



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

December 10, 2008

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

PROJECT NO. R2005-00234-(4)
COASTAL DEVELOPMENT PERMIT NO. 2005-00002-(4)
PARKING PERMIT NO. 2005-00004-(4)
VARIANCE NO. 2005-00004-(4)

PLAYA DEL REY ZONED DISTRICT
4TH SUPERVISORIAL DISTRICT (3-VOTE)

PETITIONER: DEL REY SHORES

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Certify that the final additional environmental analysis prepared for Project No. R2005-00234 is in compliance with the California Environmental Quality Act (CEQA) and with the writ of mandate by the Los Angeles County Superior Court; consider and adopt the CEQA Environmental Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program necessary to re-certify the Environmental Impact Report (EIR) with the final additional environmental analysis for this project; re-certify the EIR with the final additional environmental analysis.
2. Indicate its intent to re-approve the Shores Project No. R2005-00234, including Coastal Development Permit No. 2005-00002-(4), Parking Permit No. 2005-00004-(4), and Variance No. 2005-00004-(4).
3. Instruct County Counsel to prepare the necessary findings and conditions of approval necessary to re-approve the approval of Coastal Development Permit No. 2005-00002-(4), Parking Permit No. 2005-00004-(4), and Variance No. 2005-00004-(4).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

- On March 27, 2007, the Board of Supervisors denied the appeal to Project No. R2005-00234 (Shores Apartments) by the Marina Strand Colony II Homeowners Association (HOA). The HOA subsequently petitioned the Superior Court of California, Los Angeles Division for a Writ of Mandate to invalidate the EIR. The Court ruled that the EIR should have been re-circulated for public review and comment due to a change regarding project grading, specifically the export of approximately 25,940 cubic yards of soil (Project Grading). On July 8, 2008, the Board of Supervisors set aside its approval of the Shores Apartment project and its certification of the EIR.

- To comply with the Court's order, the California Environmental Quality Act and the State and County guidelines, additional environmental analysis associated with the Project Grading was prepared and circulated for public review and comment, pursuant to the requirements of CEQA, in order to prepare responses to all public comments associated with the additional environmental analysis.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Fiscal Responsibility

The re-approval of the coastal development permit, parking permit and variance promote the County's Strategic Plan goal of fiscal responsibility. The proposed housing development is located in Marina del Rey, an urbanized area with available public services, will efficiently utilize existing infrastructure and reduce the need for expansion of County services to undeveloped land located on or beyond the urban fringe.

Improving Quality of Life

The re-approval of the coastal development permit, parking permit and variance also promote the County's Strategic Plan goal of improving the quality of life for Los Angeles County residents. The project allows for the provision of 544 apartment units (including set-aside units for 37 moderate income and 17 lower income tenants) in the coastal area.

FISCAL IMPACT/FINANCING

The re-approval of the coastal development permit, parking permit and variance will not result in any significant costs to the County, as the applicant is bearing the full costs of new development and construction. No request for construction financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On March 6, 2007, the Board of Supervisors conducted a duly noticed public hearing on Coastal Development Permit No. 2005-00002, Parking Permit No. 2005-00004 and Variance No. 2005-00004. This was done in response to two appeals filed in protest to the Regional Planning Commission's December 13, 2006 approval of the project permits for the Shores Apartments. During the hearing the Board of Supervisors voted to deny the appeal and reaffirm the Regional Planning Commission's approval of the project permits. The requests before the Commission were: (1) the demolition and removal of all existing site improvements which include 202 apartment dwelling units in 34 two-story structures, related surface parking, and landscaping and hardscape facilities; (2) the construction of 544 apartment units in a series of 12 five-story structures, with each building consisting of five stories of residential units over two levels of subterranean and above-grade parking; (3) the development of compact and tandem parking for a portion of the required parking spaces; and (4) the installation of signage area in excess of the County Code requirements.

A public hearing is required pursuant to Sections 22.16.200 and 22.60.240 of the County Code and Sections 65856 and 66452.5 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090 and 65856 relating to notice of public hearing.

Following the public hearing, the Marina Strand Colony II Homeowner's Association (HOA) petitioned the Superior Court of California for a Writ of Mandate to invalidate the EIR. The Superior Court found that significant new information was included in the final EIR for the Project and that this significant new

information had not been subject to prior public review and comment. New information was limited to the fact that on-site grading was not balanced and that site excavation would require the export and disposal of approximately 25,940 cubic yards of excess cut material. Having found the Project EIR to be deficient in this regard, the court directed the County to set aside its approvals of the Project permits, its adoption of the Statement of Overriding Considerations, Environmental Findings of Fact, Mitigation Monitoring Program, conditions of Project approval, and its certification of the Project Environmental Impact Report. On July 8, 2008, the Board of Supervisors set aside its approval of the Shores Apartment project and its certification of the EIR.

ENVIRONMENTAL DOCUMENTATION

An EIR originally was prepared for the project in accordance with the California Environmental Quality Act (Code Section 21000). Pursuant to a court order described above, whereby the court set aside the original project and CEQA approvals, an additional environmental analysis was also prepared in accordance with CEQA. The EIR and additional analysis identified potential impacts in the following areas: visual quality, air quality, geotechnical/soil resources, hydrology and water quality, noise, traffic/access, water service, sewer disposal and solid waste disposal. The EIR and the additional environmental analysis conclude that, except for temporary air quality, noise and solid waste disposal impacts, and cumulative traffic impacts, all of the potentially significant environmental impacts can be mitigated to a less than significant level through implementation of the mitigation measures identified in the EIR. The re-approval of this project requires the re-adoption of environmental findings, Mitigation Monitoring Program, and a Statement of Overriding Considerations, including a finding that the benefits of the project outweigh the potential unavoidable adverse impacts to air quality, noise and solid waste disposal.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the re-certification of the EIR, including the additional analysis, the re-approval of the coastal development permit, parking permit and variance is not anticipated to have a negative impact on current services.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning



Sorin Alexanian, Acting Deputy Director
Current Planning Division

SHA:SZD:mt

Attachment: Final Additional Environmental Analysis
Environmental Findings of Fact and Statement of Overriding Considerations
Mitigation Monitoring Program

c: County Counsel
Director, Department of Public Works
Director, Department of Regional Planning

FINAL

ADDITIONAL ENVIRONMENTAL ANALYSIS

THE SHORES PROJECT

MARINA DEL REY, CALIFORNIA

COUNTY PROJECT NO. R2005-00234-(4)
COASTAL DEVELOPMENT PERMIT NO. RCDP 200500002
PARKING PERMIT NO. RPKP 200500004
VARIANCE NO. RVAR 200500004
STATE CLEARINGHOUSE NO. 2005071080

December 2008

FINAL

ADDITIONAL ENVIRONMENTAL ANALYSIS

THE SHORES PROJECT

MARINA DEL REY, CALIFORNIA

County Project Number R2005-00234-(4)
State Clearinghouse No. 2005071080
Coastal Development Permit No. RCDP 200500002
Parking Permit No. RPKP 200500004
Variance No. RVAR 200500004

Lead Agency:

County of Los Angeles
Department of Regional Planning
Environmental Review Division
320 West Temple Street
Los Angeles, California 90012

Prepared by:

Impact Sciences, Inc.
803 Camarillo Springs Road, Suite A
Camarillo, California 93012

December 2008

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1.0 INTRODUCTION TO THE FINAL AEA

1.1 PURPOSE

This document represents the final Additional Environmental Analysis (AEA) for The Shores Project (County of Los Angeles Project No. R2005-00234-[4]). It has been prepared in accordance with Section 15132 of the 2008 *California Environmental Quality Act (CEQA) Statutes and Guidelines*, as amended. As required by this section, this final AEA shall consist of the following:

- The draft AEA.
- Comments and recommendations received on the draft AEA.
- A list of persons, organizations, and public agencies commenting on the draft AEA.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Other information deemed necessary by the Lead Agency.

The evaluation and response to public comments is an important part of the CEQA process as it allows the following: (1) the opportunity to review and comment on the methods of analysis contained within this draft AEA; (2) the ability to detect any omissions which may have occurred during preparation of the draft AEA; (3) the ability to check for accuracy of the analysis contained within the draft AEA; (4) the ability to share expertise; and (5) the ability to discover public concerns.

No changes to the limited scope draft AEA were needed or required as the document was prepared in compliance with the provisions of CEQA.

1.2 BACKGROUND

On March 27, 2007, the County of Los Angeles Board of Supervisors denied the appeal of certified Environmental Impact Report SCH 2005071080 for the Shores Apartment Project (County Project Number R2005-00234-4) and approved Project No. R2005-00234-(4), Coastal Development Permit Number RCDP200500002-(4); Parking Permit Number RPKP200500004-(4) and Variance Number RVAR200500004-(4). In so doing, the County Board of Supervisors denied an appeal by Marina Strand Colony II Homeowners Association (HOA) of the County Regional Planning Commission's approval of The Shores Apartment Project (project). The HOA subsequently petitioned the Superior Court of California, Los Angeles Division for a Writ of Mandate to invalidate the EIR, alleging that the EIR did not comply with the California Environmental Quality Act (CEQA). The Superior Court rejected all but one

of the HOA's claims, finding that significant new information was included in the EIR for the project and that this significant new information had not been subject to prior public review and comment. New information was limited to the fact that on-site grading was not balanced and that site excavation would require the export and disposal of approximately 25,940 cubic yards of excess cut material. Having found the project EIR to be deficient in this regard, the court directed the County to set aside its approvals of the project permits, its adoption of the Statement of Overriding Considerations, Environmental Findings of Fact, Mitigation Monitoring Program, conditions of project approval, and its certification of the project environmental impact report. The court further directed that this new information (i.e., the additional 25,940 cubic yards of excess cut material), the impact of disposal of 25,940 cubic yards of excess cut on Los Angeles County landfill capacity, and the associated secondary environmental impacts of hauling on the traffic, air quality, and noise environments be analyzed and recirculated for public and agency review and comment.

Given the direction of the court and of the Los Angeles County Board of Supervisors in their action of July 8, 2008 to set aside the project approvals and prepare an additional analysis of the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from construction, the draft Additional Environmental Analysis focused on significant new information defined by court (i.e., the additional 25,940 cubic yards of excess cut material), the impact of disposal of 25,940 cubic yards of excess cut on Los Angeles County landfill capacity, and the associated secondary environmental impacts of hauling on the traffic, noise and air quality environments.

1.3 PROCESS

As defined by Section 15050 of the *State CEQA Guidelines*, the County of Los Angeles is serving as "Lead Agency," responsible for preparing both the draft and final AEA for this project. A Notice of Preparation (NOP) was prepared and circulated by the County of Los Angeles July 11, 2008 through August 11, 2008, for the required 30-day review period.

The draft AEA was then prepared and circulated for a 45-day public review period as required by state law, beginning October 2, 2008, and ending November 17, 2008. The County of Los Angeles Board of Supervisors held a public hearing on the proposed project on December 15, 2008, having been continued without comment from November 25, 2008.

Three new mitigation measures have been added in the draft AEA to the Mitigation Monitoring Program. These are Mitigation Measure 5.2-9 (preparation of a traffic control plan) to further reduce construction noise impacts, and Mitigation Measures 5.6-3 (limiting truck traffic to off-peak hours) and 5.6-4 (use of a flagman) to reduce impacts from construction traffic.

1.4 CONTENTS OF THE FINAL AEA

As discussed above, the primary intent of the final AEA is to provide a forum to air and address comments pertaining to the analysis contained within the draft AEA. *State CEQA Guidelines* Section 15088.5 (a) requires a lead agency to recirculate an EIR (draft AEA) when significant new information is added to the EIR after public notice is given of the availability of the draft EIR (AEA) for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. None of the comments received on the draft AEA requires significant or any new information to be added to the EIR and there are no changes to the project or the environmental setting that requires recirculation beyond what is contained within the draft AEA.

Pursuant to Section 15088 of the *State CEQA Guidelines*, the County of Los Angeles, as the Lead Agency for this project, has reviewed and addressed all comments received on the draft AEA prepared for The Shores Project. Included within the final AEA are the written comments that were submitted during the required public review period approved by the Los Angeles County Board of Supervisors. These comments are included in the interest of providing a complete public record for this project.

In order to adequately address the comments provided by interested agencies and the public in an organized manner, this final AEA has been prepared in two parts. A description of each part is as follows:

- Part 1 provides a brief introduction to the final AEA and its contents.
- Part 2 provides responses to written comments made by interested parties. Included are each written comment received by County of Los Angeles Department of Regional Planning staff during the required public review period. Following the letter, responses are provided. Prior to the responses, this final AEA includes an "Introduction to Response to Comments/Written Responses." There were no written comments on the draft AEA provided by public agencies.

As no comments were received by public or responsible agencies, responses to agency comments from each commenting agency at least 10 days prior to the last public hearing (Public Resources Code 21092.5) was not required. The final AEA is available for public review at the:

County of Los Angeles Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012
Contact: Michael Tripp

2.0 RESPONSES TO WRITTEN COMMENTS

The California Environmental Quality Act (CEQA) and County of Los Angeles procedures permit the public to respond to information included in a draft AEA. The public may prepare written comments. Section 15088 of the *State CEQA Guidelines* states that the lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft AEA and the lead agency shall prepare written responses. **Section 2.0, Responses to Written Comments**, is consistent with procedures defined in the *State CEQA Guidelines*.

2.1 RESPONSE TO WRITTEN COMMENTS

A list of agencies, organizations, and interested parties that have provided written comments on the draft EIR is provided below. A copy of each comment letter and a response to each specific comment follows this list.

2.2 LISTING OF WRITTEN COMMENTS

Public Comments

Robin Anderson; Letter Dated, November 12, 2008
Daniel Christy; Letter Dated November 12, 2008
Nicole Cramer; Letter Dated November 17, 2008
Laurence Falkin; Letter Dated, November 11, 2008
Michael Gold and Christel Trink; Letter Dated, November 17, 200
Daniel Gottlieb; Letter Dated November 13, 2008
Nancy Vernon Marino; Letter Dated, November 18, 2008
Libbe Murez; Letter Dated, November 13, 2008
Nancy Rosene Associates; Letter Dated, November 14, 2008
Michael Rosenfeld; Letter Dated, November 12, 2008
Lynne Shapiro; Letter Dated, November 9, 2008
Ronald Shapiro; Letter Received by County, November 17, 2008
Peggy Jo Tashima; Letter Dated, November 12, 2008

From: Robinsage123@aol.com [mailto:Robinsage123@aol.com]
Sent: Monday, November 17, 2008 9:49 AM
To: Tripp, Michael
Subject: The Shores Project #R2005-00234-(4)

Robin Anderson
3772 Via Dolce
Marina del Rey, CA 90292

Dear Mr. Tripp:

Thank you for taking the time to talk with me last week about my numerous reservations about the planned Shores construction project in Marina del Rey.

1

I am a resident of Marina Strand Colony II, in unit number 3772.

I have been very vocal and communicative from day one about the fact that this project should never be approved due to its impact on traffic, and our quality of life here in the Marina, but now I come to find out that there will be many more loads of dirt and hazardous waste removed from the property than originally claimed.

We already have traffic issues on Via Dolce with the trucks that are working on the project at the corner of Via Dolce and Washington. The trucks must park in the middle of the street to line up and go on and off the property. I have seen more than one near collision out there. Plus traffic is severely delayed while the trucks go in and out, and a man holds up a stop sign until they are done with their business.

2

With the number of trucks that will have to come in and out of the Shores site, we can expect tremendous traffic delays and possibly even traffic accidents. The project on the corner utilized much of the existing structure there, while the Shores is a totally new entity. There will be way more trucks entering and exiting the site.

One question is, why don't they reduce the size of that project, or use the existing structure to create the new dwellings? Why does there have to be underground parking? I'm terrified there will be sink holes, and it will require the contractors to remove so much dirt.

3

Why wasn't everyone notified of the changes that would take place relative to the extra dirt removal and toxic material removal?

4

The exhaust emissions from the diesel gas, the noise pollution, the vibrations, etc., will make life here at the Marina Strand Colony II unbearable.

5

I just don't think all of this has been looked at properly. Washington Blvd. is so gridlocked these days, it's astonishing. Where on earth are they going to find room to go in and out of Via Dolce and line those huge trucks up?

6

What about all of the dust and dirt, and hazardous harmful chemicals we're going to have to breathe while all of this is going on?

7

And as I asked you before when we spoke, if there is an emergency like an earthquake, where will the residents and workers go for help? We only have one hospital in the Marina, and they've tried to close it countless times.

8

This project is huge and the way they're going about it seems to be all about making money, with no consideration for the people who live here and have been paying taxes for so many years.

Please, I urge you to kindly recommend to the Board of Supervisors that they should deny approval of this project. Everyone knows it is a disaster on so many levels, but nobody is listening. Please help us. You are our only hope.

9

Thank you so much,

Robin Anderson
(310) 422-9513

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Responses to Comment Letter from Robin Anderson; Dated November 17, 2008

Response 1-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 1-2

The commentator expresses her opposition to The Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The haul route for the trucks leaving the project site will not travel on Via Dolce and would therefore not cause impacts on that street. A traffic control plan will be required of the project to limit traffic delays. The geotechnical report by URS dated May 8, 2001 did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous material is expected to be exported.

Response 1-3

The commentator asks about project design, the need for underground parking, and the height of the proposed buildings. These are matters of the developer's effort to provide for residential units consistent with the lease agreement with the County, while staying in compliance with the Los Angeles County zoning code requirements. This comment does not relate to the content or adequacy of the DAEA and therefore no further response is required.

Response 1-4

This comment asks why the community was not notified about the export of excess cut material. The community has been notified on two occasions. The first notice was in the December 2006 final EIR when the changes to the grading plan were disclosed. The second notification is the current circulation of the DAEA and the public hearing associated with the public review of the document. Proper public notice on the DAEA has been provided by the County, as follows:

The Department of Regional Planning published and distributed a Notice of Preparation of the DAEA on July 11, 2008, which included the County's delivery of the Notice of Preparation to officials of the Marina

Strand II HOA. The County publicly circulated the DAEA for public review and comment from October 2, 2008 to November 17, 2008. During the public circulation period on the DAEA, the County diligently collected the public's comments on the DAEA and prepared detailed responses to each of the public comments received on the DAEA. The County provided adequate public notice for a November 25, 2008 public hearing on the DAEA before the County Board of Supervisors, at which hearing the Board was to consider certifying the DAEA, consider adopting any CEQA findings necessary to recertify the EIR with the AEA, and consider reapproving The Shores Project. Prior to the November 25, 2008 public hearing before the Board of Supervisors on the DAEA and The Shores Project, a legal notice was published in a local newspaper, *The Daily Breeze*, on October 24, 2008. On October 23, 2008, staff also mailed approximately 1,500 hearing notices to property owners and tenants within 500 feet of the subject property as well as to a number of interested parties outside of the 500-foot radius of the subject property. Prior to the November 25, 2008 public hearing on this matter, County Supervisor Don Knabe placed a motion on the Board's agenda indicating his intent to move that the matter be continued by the Board, without discussion by the Board at its November 25, 2008 public hearing, to the Board's December 16, 2008 meeting; that motion was passed unanimously by the Board.

Response 1-5

The commentator express the concern over diesel gas, noise, vibration and exhaust emissions resulting from the trucks hauling excess cut material to be transported to the Puente Hills Landfill. With regard to noise impacts arising from soil export truck trips, the DAEA and final EIR reiterate the draft EIR conclusion that construction-related truck trips would result in a temporary significant noise impact. However, the additional soil export trips represent only eight additional truck trips per hour over 40 days and, consequently, would not substantially increase the construction-related noise impact. Air quality impacts associated with the truck hauling of excess cut materials is provided in Section 4.2, Effects of Demolition and Grading Hauling on the Air Quality Environment, of the DAEA. This analysis indicates that the increased number of truck trips required to haul the 25,940 cubic yards of excavated soil to the Puente Hills landfill would increase emissions associated VOC, NO_x, and SO_x but would not increase them substantially or alter conclusions defined in the draft EIR, dated November 2005 (in **Appendix C**). That document concluded that maximum daily emissions associated with construction of VOCs and NO_x exceeded the SCAQMD significance thresholds.

Response 1-6

The commentator expresses concern about traffic congestion on Washington Boulevard and the use of Via Dolce. The haul route for the truck traffic does not include the use of Via Dolce, Via Marina is utilized instead. The truck traffic will be confined to off peak travel times in order to lessen the potential for traffic impacts on Washington Boulevard.

Response 1-7

The commentator expresses concern about impacts from dust and dirt. The project will be required to implement Mitigation Measure 5.4-2 requiring the use of a dust control plan to be approved by Los Angeles County in compliance with the South Coast Air Quality Management District requirements.

Response 1-8

This comment asks about medical emergency facilities during times of catastrophe such as an earthquake. This question does not apply to the accuracy or adequacy of the DAEA; therefore no response is required.

Response 1-9

The commentator expresses the opinion on the scale of the project as being huge and the perception of disregard for the current residents of the community. The scale of the project is consistent with the provisions of the Marina del Rey Specific Plan, which have been known for more than a decade. The County does value the opinions of the community members and taxpayers. The public hearing and public comment processes exemplify this aspect. While the County decisions will not satisfy all of its residents, the decision making process is dependent on the comments provided by its constituents.

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

Daniel Christy
POB 10310
Marina Del Rey, CA 90295

November 14, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

RE: The Shores Project, Project #R2005-00234-(4)

Dear Mr. Tripp:

I am a homeowner and property owner of record for 3752 Via Dolce, Marina del Rey, CA 90292 and president of the Marina Strand Colony II Home Owners Association.

1

I am writing to object to the planned "Shores Project" Project #R2005-00234-(4) in light of the Additional Environmental Analysis which discloses the need for removal of approximately 26,000 cubic yards of additional material (including hazardous materials) from the project site by earth hauler. The nearly 1,300 additional truck trips that would be required will have a further significant and detrimental impact on the surrounding area in a number of ways:

2

- At the BOS meeting of July 8, 2008, the EIR was ordered to be recirculated based only on the changed extra export of earth of 25,940 Cubic Yards of earth. At that meeting, the MSCII asked that the entire EIR be recirculated, and failing that asked that the relevant County Staff state the **TOTAL** amounts of earth **moved** on the construction site, and **exported** from the site, and **imported** to the site. Also, to state the equivalence assumed between a heavy truck trip and a car trip.

3

- The BOS restricted the recirculation of the EIR to consider only the 25,940 cubic yards of earth exported. But Chairwomen Burke stated that the questions in THE PREVIOUS ITEM should be sent to Staff along with the recirculated EIR, and the Staff should respond to the questions. As of November 8, 2008, there is **no response** from the Staff.

4

- The traffic impact of a large truck is more than that of a standard car. The FEIR, page 3.0-58 (see paragraph just above item 9) implies an assumption that one truck = one car. On Page 1.0-2 in the recirculated EIR, it is admitted that one truck = two cars and a round trip = two trips. Thus any calculation based on the original assumptions will undervalue the amount of export and import material by a factor of four. But even one truck = two cars seems to be **too small**, based on common experience. In addition, the mitigations proposed will change the duration of the grading and thus the assumptions used in the calculations are inaccurate.

5

- The earth hauling operation will result in adverse diesel noise, vibration and exhaust emissions from the increase in required truck trips

6

- Onsite construction impacts on **health** need the **TOTAL** amount of **Earth Movement** to estimate dust and particulate matter. Certain harmful substances such as Nitric Oxide or asbestos, come from heavy machines cutting or filling earth, or from special types of constructions or soils.

7

- Onsite Construction Noise is exacerbated by Earth Moving. The TOTAL amounts of import, export, cut and fill play a role in estimating onsite construction noise, health impacts, air pollution, dewatering generator noise, polluted water runoff (we still have brown brackish water running in front of our condos from the long finished Archstone **remodeling**).

8

- In the FEIR, the Shores mentioned, in only one place (page 3.0-254 last line), that they were adding **gravel** fill below their foundations because of high ground water. (This will protect their garage floor, but the water will go somewhere, probably towards MSCII, and along the gutters of the Via Marina, (a scenic road).

9

- The earth hauling operation will result in adverse diesel noise, vibration and exhaust emissions from the increase in required truck trips

6

- The failure in the original EIR to adequately evaluate an acceptable range of alternatives, e.g., an alternative that involves an overall reduction in project density which is potentially feasible, satisfies project objectives, and is potentially environmentally superior.

10

- The failure of the County to recirculate the EIR based on the addition of and change to the project objectives and the elaboration of the overall reduction in density alternative, i.e., there is more information in the Final EIR so it should be recirculated for public comment.

11

- The approval of the project by the County despite existence of feasible alternatives, e.g., Alternative 3, Rehabilitation of Existing Structures and Alternative 4, Above Ground Parking.

12

- The County's Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of alternatives to the project.

13

- Why couldn't the County's lawyers require a more complete circulation of the Shores EIR? Probably because the County and the Developers have agreed to support each other in any lawsuits which arise in the permit process. Thus the County's lawyers have a **conflict of interest** between protecting the **Public's Right to know the basis of their representatives decisions**, and avoiding law suits because of questionable actions of the Developers or their consultants.

14

Therefore, I urge the Department of Regional Planning to recommend to the Board of Supervisors to deny certification of this project.

15

Thank you for your consideration of this matter.

Sincerely,

Daniel Christy

Responses to Comment Letter from Daniel Christy; Dated November 14, 2008

Response 2-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 2-2

The commentator expresses his opposition to The Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The geotechnical report by URS dated May 8, 2001 did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous material is expected to be exported.

Response 2-3

No record indicates that the County of Los Angeles Board of Supervisors ordered “recirculation” of the draft EIR dated October 2008. Further, the County of Los Angeles Board of Supervisors clearly limited any additional environmental analysis only to those issues specified by the court (i.e., the direct and indirect effects of the disposal of 25,940 cubic yards of excess cut material). These directives formed the basis of the draft Additional Environmental Analysis (DAEA) dated October 2008. Review of written and oral testimony provided by the Marina Strand Colony II (MSCII) makes no mention of, or questions the disposal requirements for construction debris. Only Mr. Van Wert (not a representative of MSCII) questioned the grading volumes described in the draft EIR. His comments were limited to grading requirements and the potential need for the export of excess earth material. Mr. Van Wert’s comments were addressed in the final EIR dated December 2006 and the DAEA) dated October 2006.

Response 2-4

The Board’s direction is set forth in the motion of the Board of Supervisors. Although this matter was part of the discussion by the Board, it was not a formal adoption by them. The motion passed by the Board of Supervisors, instructed Regional Planning staff as follows: On July 8, 2008, the Los Angeles County Board of Supervisors instructed the Department of Regional Planning to comply with the court ruling by

- a. preparing an Additional Environmental Analysis of the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from construction of The Shores Project;
- b. circulating the Additional Environmental Analysis for public review and comment for a 45-day period;
- c. preparing responses to all public comments received; and
- d. duly noticing a public hearing with this Board to consider the following actions: certification of the additional CEQA analysis, adoption of any CEQA findings necessary to recertify the EIR with the Additional Environmental Analysis; recertification of the EIR; and reapproval of The Shores Project-Project No. R2005-00234-(4), including but not limited to Coastal Development Permit Number RCDP200500002-(4); Parking Permit Number RPKP200500004-(4) and Variance Number RVAR200500004-(4).

Response 2-5

The commentator expresses his opinion regarding the appropriate methodology of calculating a passenger car equivalent for heavy truck trips. The commentator has provided no evidence to support this opinion. The draft Additional Environmental Analysis (DAEA) dated October 2008 assessed the impact of 128 vehicle (i.e., car) trip ends; the equivalent of 32 truck round trips). Hirsh and Associates indicates that based on accepted traffic engineering standards, the passenger car equivalent for haul trucks is 2.0 passenger cars per truck. Following standard practice this passenger car equivalent rate was compared and assessed in relation to the traffic environment as projected for the haul year (2009) and the results were peer reviewed and confirmed by the County of Los Angeles Department of Public Works and found to be accurate.

Response 2-6

The commentator express the concern over “diesel noise,” vibration and exhaust emissions resulting from the trucks hauling excess cut material to be transported to the Puente Hills Landfill. With regard to noise impacts arising from soil export truck trips, the DAEA and final EIR reiterate the draft EIR conclusion that construction-related truck trips would result in a temporary significant noise impact. However, the noise analysis in the DAEA concludes the additional soil export trips represent only eight additional truck trips per hour over 40 days; consequently, these additional truck trips would not substantially increase the construction-related noise impact.

Response 2-7

The commentator states that the EIR did not assess the health effect of the total amount of earth material. Again, the focus of Judge Yaffe’s order was to allow the public and required agencies to review and comment on the significant new information not included in the draft EIR (i.e., the direct and indirect

effects of the disposal of 25,940 cubic yards of excess cut material). The draft Additional Environmental Analysis (DAEA) dated October 2008 focuses on the direct and indirect impacts of disposal of 25,940 cubic yards of excess cut material.

In further response to the commentator, the draft EIR dated November 2005 does respond to air quality impacts and their associated health effects. Table 5.4-3 of the draft EIR dated November 2005 describes the health effects of various pollutants including suspended particulate matter and nitrogen oxide. Pages 5.4-20 through 5.4-23 of the draft EIR discuss impact of particulate matter during construct and reference these impacts as being significant. Page 5.4-29 of the draft EIR, Mitigation Measure 5.4-3 defines the required mitigation for asbestos in conformance with existing South Coast Air Quality Management District Rules. Further calculation regarding the health effects of nitric oxide, asbestos, and particulate matter are defined in Appendix 5.4(B) of the draft EIR.

Response 2-8

The commentator states that the total amounts of import, export and cut and fill are necessary to evaluate noise impacts, air pollution and dewatering requirements. Again, the focus of Judge Yaffe's order was to allow the public and required agencies to review and comment on the significant new information not included in the draft EIR (i.e., the direct and indirect effects of the disposal of 25,940 cubic yards of excess cut material). The draft Additional Environmental Analysis (DAEA) dated October 2008 focuses on the direct and indirect impacts of disposal of 25,940 cubic yards of excess cut material.

In further response to the commentator, construction noise calculations considered on-site and off-site noise effects (reference pages 5.2-19 of the draft EIR dated November 2005). The draft EIR does respond to air quality impacts and their associated health effects that would occur during project demolition, grading, and construction. Table 5.4-3 of the draft EIR dated November 2005 describes the health effects of various pollutants including suspended particulate matter and nitrogen oxide. Pages 5.4-20 through 5.4-23 of the draft EIR discuss impact of particulate matter during construct and reference these impacts as being significant. Page 5.4-29 of the draft EIR, Mitigation Measure 5.4-3 defines the required mitigation for asbestos in conformance with existing South Coast Air Quality Management District Rules. Further calculation regarding the health effects of nitric oxide, asbestos, and particulate matter are defined in Appendix 5.4(B) of the draft EIR. Section 5.3 (Hydrology and Water Quality) of the draft EIR defines that all parts of the project are required to submit and have approved a Storm Water Pollution and Prevention Plan prior to grading to limit or eliminate impacts associated with runoff.

Response 2-9

The commentator suggests that the placement of gravel and building the project in an area of high groundwater would result in dewatering and effects of the adjacent Marina Strand Colony project.

Section 5.3 (Hydrology and Water Quality) of the draft EIR defines that all parts of the project are required to submit and have approved a Storm Water Pollution and Prevention Plan prior to grading to limit or eliminate impacts associated with runoff.

Response 2-10

The commentator references the alternatives analysis of the previously certified EIR, including a reduced-density alternative. In regard to that alternative, the County considered it in the draft EIR but rejected it from further evaluation. The draft EIR discussion provided the following:

“One alternative initially considered involved an overall reduction in project intensity. This alternative would have proposed a development of reduced scale and a corresponding reduction in use-related impacts (including noise and air quality impacts) as well as a reduction in the scale of structures that are proposed as part of The Shores Project. As planned, The Shores Project is consistent with policies defined in the Marina del Rey LUP, the Asset Management Plan pertaining to the recycling of Phase I Marina del Rey development, and applicable policies and development standards. Further, the project site is owned by the County of Los Angeles, which, through formal agreements, defines the intensity of development on site to the given lessee. As proposed, The Shores Project is 13 percent below the maximum development density. Lower density is inconsistent with contract provisions that require a given development intensity. For these reasons, density reductions were eliminated and project alternatives, identified in this EIR, focused on alternatives that considered redesigns of the proposed project.”

The County fully complied with CEQA in evaluating a reasonable range of alternatives, adopting comprehensive findings at both the Regional Planning Commission and the Board of Supervisors, and providing substantial evidence in the record to support these findings. The court agreed, finding the opponents’ claims regarding inadequacy of the alternatives analysis to be without any merit. No further discussion of alternatives is therefore required.

Response 2-11

The commentator expresses the opinion that the County should have recirculated the entire EIR. It appears from this comment that the reason for this opinion is that the County’s evaluation of project alternatives in the EIR is inadequate and that the EIR should be recirculated to make the discussion adequate. However, the court found the alternatives discussion was found to be in compliance with CEQA and recirculation for further alternatives evaluation is therefore not required.

While not the equivalent of a supplemental EIR as defined in the *State CEQA Guidelines* Section 15163, the DAEA contains information analogous to a supplemental EIR. As such, the DAEA contains only the information necessary to make the original EIR adequate for the project with the clarification on the

unbalanced nature of the grading and the export of the excess cut material to the Puente Hills Landfill (*State CEQA Guidelines* Section 15163(b)).

Response 2-12

This comment is not clear as it states the fact that the County approved the project while analyzing a range of reasonable alternatives, as acknowledged in the draft and final EIR. The County acknowledges in the final EIR that the approved project is not the environmentally superior alternative and consequently provided a statement of overriding considerations as required by the *State CEQA Guidelines* Section 15093, determining that the benefits of the project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable.

Response 2-13

The commentator is of the opinion that the County's Statement of Overriding Considerations (SOC) established with the prior approval of The Shores Project is inadequate. The County respectfully does not concur with this conclusion nor did the judge deciding the adequacy of the SOC. The County considers the findings and SOC to be valid, especially with regard to the alternatives analysis.

Response 2-14

The comment expresses an unsupported and unsubstantiated legal opinion regarding an alleged conflict of interest. It is not clear what the commentator means by "a more complete circulation of the Shores EIR." This comment could imply that the commentator is not satisfied with the public notice and scope of circulation of the DAEA. On the other hand, this comment may imply dissatisfaction with the scope of environmental review within the DAEA. With regard to public notice and circulation, Section 15087 of the *State CEQA Guidelines* provides information on the public notice requirements of an EIR. It indicates that "Notice shall be mailed to the last known name and address of all organization and individuals who have previously requested such notice in writing and shall also be given notice by one of the following procedures; (1) publication in a newspaper of general circulation; (2) posting of the notice on site; or (3) a direct mailing to nearby residents. Given normal County procedures, and consistent with state law, the County published notice in a newspaper of general circulation (reference the Argonaut in December 2005), and conducted a direct mailing to nearby residents who requested such notice in writing. Further, all residents who requested copies of the draft EIR dated November 2005, the final EIR dated December 2006 or the draft Additional Environmental Analysis (DAEA) dated October 2008 were supplied either hard copies, electronic copies or both. Copies of the draft and final EIRs and the DAEA were also made available at local libraries. Based on the above, the County met or exceeded all public notice requirements for this project as specified by state law.

If the comment is intended to imply that the scope of the environmental analysis in the DAEA is too narrow, the DAEA focused on significant new information identified by court in its Peremptory Writ of Mandate and Judgment (i.e., the additional 25,940 cubic yards of excess cut material), the impact of disposal of 25,940 cubic yards of excess cut on Los Angeles County landfill capacity, and the associated secondary environmental impacts of hauling on the traffic, noise and air quality environments. According to *State CEQA Guidelines* section 15088.5(c): “If the revision [to the EIR] is limited to a few chapters of the EIR, the lead agency need only circulate the chapters or portions that have been modified.” The scope of environmental review in the DAEA fully responds to the order of the court and fully complies with Section 15088.5(c) of the *State CEQA Guidelines*.

Response 2-15

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator’s opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

-----Original Message-----
From: Nicole Cramer [mailto:nicole@thecramers.net]
Sent: Monday, November 17, 2008 10:40 AM
To: Tripp, Michael
Cc: Ryan Cramer; Bob Young
Subject: Opposition to The Shores Development

Mr. Michael Tripp,

I am writing to express my disapproval of the "Shores Project," # R2005-00234- (4). I am a homeowner and property owner of record for 3622 Via Dolce, Marina Del Rey, CA 90292 and member of Marina Strand Colony II Home Owners Association.

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It is my understanding that the Additional Environmental Analysis discloses the need for removal of approximately 26,000 cubic yards of additional material (including hazardous materials) from the project site by the earth hauler. This will have a significant negative impact on my personal quality of life, as well as that of other Marina Del Rey community members. Traffic and parking in the area is already congested. My husband and I deliberately purchased a home in Marina Del Rey because we liked the open space, in contrast to the jam-packed streets and lack of parking in neighboring Santa Monica, West L.A., and Manhattan Beach areas. We are a young married couple and we have a 6 month old child. We chose Marina Del Rey as a place to raise a family, with open space, for daily walks and ease of running errands. I am terribly saddened to see a trend of overdevelopment in our neighborhood and I am asking that the Department of Regional Planning and Board of Supervisors take responsibility for this before it is too late.

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The original EIR failed to adequately evaluate the acceptable range of alternatives, including an overall reduction in project density, which would be feasible, meet project objectives and reduced environmental impact.

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The County failed to recirculate the EIR based on the addition of and change to the project objectives and elaboration of the overall reduction in density alternative. The County's Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of this project.

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Thus, I urge the Department of Regional Planning to recommend to the Board of Supervisors to deny approval of this project.

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Sincerely,

Nicole Young Cramer
3622 Via Dolce
Marina Del Rey, Ca 90292

Responses to Comment Letter from Nicole Cramer: Dated November 17, 2008

Response 3-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. The comment expresses dissatisfaction with the proposed Shores Project. These are not comments addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 3-2

The commentator expresses her concern about the number of truck trips during the export of excess cut material from the project site. The commentator claims that the construction export will significantly impact their quality of life. With regard to the additional truck trips generated by soil export, the draft Additional Environmental Analysis (DAEA) discloses that exporting approximately 25,940 cubic yards of soil would require approximately 1,297 truck trips (each truck carrying approximately 20 cubic yards of soil) over a period of approximately 40 days (approximately 32 one-way trips per day for 40 days). The draft EIR reports that the existing residential uses on the project site generate 800 daily vehicle trips, including 120 AM peak hour trips and 111 PM peak hour trips. The truck trips generated by soil export represent only approximately 4 percent of the 800 vehicle trips per day generated by the existing uses on the project site. No new significant impacts would occur as a result of the additional truck trips exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. An additional mitigation measure has been included that would require truck hauling operations to be limited to off-peak hours and the use of the designated haul routes (Mitigation Measure 5.6-3). The geotechnical report by URS dated May 8, 2001 did not find any contaminated soil at the project site and therefore no contaminated soil is expected to be exported.

Response 3-3

The commentator expresses concern about loss of open space and the overdevelopment of Marina del Rey. The comment asks that the Department of Regional Planning and the Board of Supervisors take some unspecified responsibility, presumably to stop future development of the marina. There is no environmental impact that is tied to this comment nor does the comment address the DAEA or the project as the cause for the community changes mentioned. This is not a comment addressing the environmental issues associated with the export of excess cut material and therefore no formal response is required.

Response 3-4

The commentator references the alternatives analysis of the previously certified EIR, including a reduced-density alternative. In regard to that alternative, the County considered it in the draft EIR but rejected it from further evaluation. The draft EIR discussion provided the following:

“One alternative initially considered involved an overall reduction in project intensity. This alternative would have proposed a development of reduced scale and a corresponding reduction in use-related impacts (including noise and air quality impacts) as well as a reduction in the scale of structures that are proposed as part of The Shores Project. As planned, The Shores Project is consistent with policies defined in the Marina del Rey LUP, the Asset Management Plan pertaining to the recycling of Phase I Marina del Rey development, and applicable policies and development standards. Further, the project site is owned by the County of Los Angeles, which, through formal agreements, defines the intensity of development on site to the given lessee. As proposed, The Shores Project is 13 percent below the maximum development density. Lower density is inconsistent with contract provisions that require a given development intensity. For these reasons, density reductions were eliminated and project alternatives, identified in this EIR, focused on alternatives that considered redesigns of the proposed project.”

The County fully complied with CEQA in evaluating a reasonable range of alternatives, adopting comprehensive findings at both the Regional Planning Commission and the Board of Supervisors, and providing substantial evidence in the record to support these findings. The court agreed, finding the opponents’ claims regarding inadequacy of the alternatives analysis to be without any merit. No further discussion of alternatives is therefore required.

Response 3-5

The commentator expresses the opinion that the County should have recirculated the entire EIR. It appears from this comment that the reason for this opinion is that the County’s evaluation of project alternatives in the EIR is inadequate and that the EIR should be recirculated to make the discussion adequate. However, the court found the alternatives discussion was found to be in compliance with CEQA and recirculation for further alternatives evaluation is therefore not required.

While not the equivalent of a supplemental EIR as defined in the *State CEQA Guidelines* Section 15163, the DAEA contains information analogous to a supplemental EIR. As such, the DAEA contains only the information necessary to make the original EIR adequate for the project with the clarification on the unbalanced nature of the grading and the export of the excess cut material to the Puente Hills Landfill (*State CEQA Guidelines* Section 15163(b)).

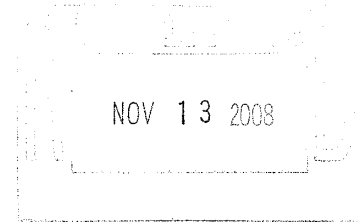
Response 3-6

The commentator is of the opinion that the County’s Statement of Overriding Considerations (SOC) established with the prior approval of The Shores Project is inadequate. The County respectfully does not concur with this conclusion nor did the judge deciding the adequacy of the SOC. The County considers the findings and SOC to be valid, especially with regard to the alternatives analysis.

Response 3-7

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

Laurence Falkin
3696 Via Dolce
Marina Del Rey, CA 90292
310 612 3573



November 11, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

RE: The Shores Project, Project #R2005-00234-(4)

Dear Mr. Tripp:

I am a homeowner and property owner of record for 3696 Via Dolce, Marina del Rey, CA 90292 and member of the Marina Strand Colony II Home Owners Association.

I am writing to reiterate my original objection to the planned "Shores Project" Project #R2005-00234-(4) in light of the Additional Environmental Analysis which discloses the need for removal of approximately 26,000 cubic yards of additional material (including hazardous materials) from the project site by earth hauler. The nearly 1,300 additional truck trips that would be required will have a further significant and detrimental impact on the surrounding area in a number of ways:

As already experienced with other construction projects in Marina del Rey, the number of required trips estimated for these large earth hauling vehicles will exacerbate and compound the already congested, gridlocked streets in the surrounding area.

As a result of this earth hauling operation, it is inevitable that dust, dirt and other debris (**including hazardous materials**) will be spilled onto streets and spread airborne throughout the surrounding neighborhood.

The earth hauling operation will result in adverse diesel noise, vibration and exhaust emissions from the increase in required truck trips

The failure of the original EIR to adequately evaluate an acceptable range of alternatives, e.g., an alternative that involves an overall reduction in project density. This is an option that is potentially feasible, satisfies project objectives, and is potentially environmentally superior.

The failure of the County to recirculate the EIR based on the addition of and change to the project objectives and the elaboration of the overall reduction in density alternative, i.e., there is more information in the Final EIR so it should be recirculated for public comment.

The approval of the project by the County despite existence of feasible alternatives, e.g., Alternative 3, Rehabilitation of Existing Structures and Alternative 4, Above Ground Parking.

The County's Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of alternatives to the project.

Therefore, I urge the Department of Regional Planning to recommend to the Board of Supervisors to deny approval of this project.

Thank you for your consideration of this matter.

Sincerely,

Laurence Falkin

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Responses to Comment Letter from Laurence Falkin: Dated November 11, 2008

Response 4-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 4-2

The commentator expresses his opposition to The Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The geotechnical report by URS dated May 8, 2001 did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous material is expected to be exported.

Response 4-3

The commentator expresses concern about traffic congestion in the Marina del Rey area and the contribution of the truck traffic hauling the excess cut material to the Puente Hills Landfill. The existing residential uses and the vehicle trips associated with those uses will be eliminated once demolition, grading and construction commences on the project site. Because construction related truck trips will not exceed the number of trips generated by the project site's existing residential uses, project construction, including the number of truck trips required to export excess cut materials to Puente Hills Landfill, would result in a net reduction of vehicle trips compared to the trips generated by existing uses. The DAEA provides an analysis that concludes the project does not result in significant construction truck trip impacts, and the additional soil export trips do not change this conclusion or result in a new significant trip impact.

Response 4-4

This comment refers to the potential for air quality impacts associated with the earth hauling operation of the excess cut material to the Puente Hills Landfill. The draft EIR indicates that project grading would require the movement of 40,000 cubic yards of cut and 40,000 cubic yards of fill, i.e., 80,000 total cubic yards of cut and fill. As determined by more refined engineering and set forth in the final EIR, grading operations associated with the project would require 50,160 cubic yards of cut and 24,220 cubic yards of

fill equaling 74,380 total cubic yards of cut and fill, resulting in a net reduction in total on-site cut and fill volume compared to the draft EIR. As previously stated, the project would export approximately 25,940 cubic yards of export. No change was proposed pertaining to the graded area or the equipment used. The final EIR concludes that the incremental increase in air quality impacts associated with soil export would not substantially increase the severity of air quality impacts or cause new air quality impacts. The County recalculated the project construction air quality impacts based on the additional soil export truck trips and included the new calculations in the final EIR. The geotechnical report by URS dated May 8, 2001 was part of the November 2005 draft EIR (Appendix 5.1) and it did not find any contaminated soil at the project site and therefore no contaminated soil is expected to be exported.

Response 4-5

The commentator express the concern over “diesel noise,” vibration and exhaust emissions resulting from the trucks hauling excess cut material to be transported to the Puente Hills Landfill. With regard to noise impacts arising from soil export truck trips, the DAEA and final EIR reiterate the draft EIR conclusion that construction-related truck trips would result in a temporary significant noise impact. However, the noise analysis in the DAEA concludes the additional soil export trips represent only eight additional truck trips per hour over 40 days; consequently, these additional truck trips would not substantially increase the construction-related noise impact.

Response 4-6

The commentator references the alternatives analysis of the previously certified EIR, including a reduced-density alternative. In regard to that alternative, the County considered it in the draft EIR but rejected it from further evaluation. The draft EIR discussion provided the following:

“One alternative initially considered involved an overall reduction in project intensity. This alternative would have proposed a development of reduced scale and a corresponding reduction in use-related impacts (including noise and air quality impacts) as well as a reduction in the scale of structures that are proposed as part of The Shores Project. As planned, The Shores Project is consistent with policies defined in the Marina del Rey LUP, the Asset Management Plan pertaining to the recycling of Phase I Marina del Rey development, and applicable policies and development standards. Further, the project site is owned by the County of Los Angeles, which, through formal agreements, defines the intensity of development on site to the given lessee. As proposed, The Shores Project is 13 percent below the maximum development density. Lower density is inconsistent with contract provisions that require a given development intensity. For these reasons, density reductions were eliminated and project alternatives, identified in this EIR, focused on alternatives that considered redesigns of the proposed project.”

The County fully complied with CEQA in evaluating a reasonable range of alternatives, adopting comprehensive findings at both the Regional Planning Commission and the Board of Supervisors, and providing substantial evidence in the record to support these findings. The court agreed, finding the opponents' claims regarding inadequacy of the alternatives analysis to be without any merit. No further discussion of alternatives is therefore required.

Response 4-7

The commentator expresses the opinion that the County should have recirculated the entire EIR. It appears from this comment that the reason for this opinion is that the County's evaluation of project alternatives in the EIR is inadequate and that the EIR should be recirculated to make the discussion adequate. However, the court found the alternatives discussion was found to be in compliance with CEQA and recirculation for further alternatives evaluation is therefore not required.

While not the equivalent of a supplemental EIR as defined in the *State CEQA Guidelines* Section 15163, the DAEA contains information analogous to a supplemental EIR. As such, the DAEA contains only the information necessary to make the original EIR adequate for the project with the clarification on the unbalanced nature of the grading and the export of the excess cut material to the Puente Hills Landfill (*State CEQA Guidelines* Section 15163(b)).

Response 4-8

This comment is not clear as it states the fact that the County approved the project while analyzing a range of reasonable alternatives, as acknowledged in the draft and final EIR. The County acknowledges in the final EIR that the approved project is not the environmentally superior alternative and consequently provided a statement of overriding considerations as required by the *State CEQA Guidelines* Section 15093, determining that the benefits of the project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable.

Response 4-9

The commentator is of the opinion that the County's Statement of Overriding Considerations (SOC) established with the prior approval of The Shores Project is inadequate. The County respectfully does not concur with this conclusion nor did the judge deciding the adequacy of the SOC. The County considers the findings and SOC to be valid, especially with regard to the alternatives analysis.

Response 4-10

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

November 17, 2008

Michael Tripp
Department of Regional Planning
Room 1362
320 W. Temple
Los Angeles CA 90012

Re: The Shores Project

Dear Mr. Tripp:

My wife and I are both long term residents of Marina del Rey and over the past 24 plus years we have seen a constant erosion of a quality of life that was once enjoyable. This is not a position of “not in my back yard” development, but rather an observation of a lack of planning on the part of elected officials fueled by developers bent on milking every last dime they can out of our community. Building thousands of apartments on streets that were once occupied by a few hundred, without the ability to accommodate the increase in the number of cars or the people, or do anything else to handle the quadrupling of occupants, is more than just irresponsible.

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This over-development, with plans to continue, is clearly the result of collaboration between personnel in your department, elected officials, and developers all working together for reasons of personal greed and benefit. Anyone with any reasonable amount of common sense can see this clearly. The only people being ignored and abused are the residents of Marina del Rey.

2

As a new member of the Coalition to Save the Marina, my wife and I will offer all of the support we can, both with our presence and our money, to not only impose restrictions on the Shores project, but to stand against all further development in the Marina. And most importantly, we will do what we can to vote in a more responsible and representative government.

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Sincerely,

Michael Gold
Christel Trink
3636 Via Dolce
Marina del Rey CA 90292

Responses to Comment Letter from Michael Gold and Christel Trink; Dated November 17, 2008

Response 5-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. The commentator claims that a quality of life has changed over the past 24 years. The comment expresses dissatisfaction with the lack of planning on behalf of the County that has allowed these changes to occur. These are not comments addressing the environmental issues associated with the export of excess cut material and, therefore, no formal response is required.

Response 5-2

The commentator again expresses his concern about over-development of the area and purports that this result has arisen because of County staff, elected officials and private developers working together for private benefit. This concern is not related to the content of the draft Additional Environmental Analysis (DAEA) and, therefore, no formal response is required.

Response 5-3

The commentator is strongly opposed to further development of Marina del Rey, including The Shores Project, and they will take personal action to place restriction on this future development. This comment is not related to the content of the DAEA and, consequently, no formal response is required.

From: Daniel Henry Gottlieb [mailto:daniel.gottlieb@gmail.com]
Sent: Thursday, November 13, 2008 11:49 PM
To: Tripp, Michael
Cc: dansc
Subject: The Shores Project, Project #R2005-00234-(4)

Daniel Henry Gottlieb
3516 via Dolce
Marina del Rey CA, 90292
310 301 4980

November 12, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

RE: The Shores Project, Project #R2005-00234-(4)

Dear Mr. Tripp:

I am a homeowner and property owner of record for 3516 Via Dolce, Marina del Rey, CA 90292 and member of the Marina Strand Colony II Home Owners Association.

1

I am writing to reiterate my original objection to the planned "Shores Project" Project #R2005-00234-(4) in light of the Additional Environmental Analysis which discloses the need for removal of approximately 25,940 cubic yards of additional material (including hazardous materials) from the project site by earth hauler. The 1,297 additional truck round-trips that would be required will have a further significant and detrimental impact on the surrounding area in a number of ways.

2

However distressing to the environment this change of plan will be, the distortion of the process which deceives the Public and even their Representatives is what I want to discuss here. The first few paragraphs will set the stage for the particular items given below which deal strictly with the DAEA and the relevant sections of the DEIR and the FEIR.

3

THE GLOBAL SITUATION

In the EIRs of the County and of the City of Los Angeles, and in Official Notices of Public meetings, there are numerous examples of misleading and even downright false; statements, and maps, and diagrams, and Tables. This probably had been going on for some time, but now, since so many of these documents are in digital form, they can be searched, and their sophistries easily uncovered. How could such a situation arise? Through lackadaisical regulation. As the preparers of the EIRs realized all they could get away with, they expanded the zone of misinformation.

4

Indeed there are parallels between what is happening to MdR and to the global economy. Very wealthy entities have blinded the government by lavish political donations and the government itself also encourages these entities to begin risky adventures to attain worthwhile goals such as affordable housing. So we see breathtaking risks taken in subprime mortgages and in EIR's. Just as the mortgage lenders didn't worry about the poor credit of the borrowers, because they could sell the bad loan to other investors, so the developers (Legacy) don't seem to know what their new neighbors are building and how the traffic will effect them because they probably have some scheme to sell out a profit before all their thoughtless development degrades MdR (Shores). This lack of regulation and conformity to CEQA and the Coastal Act seems to be due to the County's lawyers.

5

Why didn't the County's lawyers require a more complete circulation of the Shores EIR? Probably because of a terrible idea. The County and the Developers have agreed to support each other in any lawsuits which arise in the permit process. Thus the County's lawyers have a **conflict of interest** between protecting the **Public's Right to know the basis of their representatives' decisions**, and avoiding lawsuits because of questionable actions of the Developers or their consultants.

6

THE SOPHISTRY OF THE DAEA, FROM A TO Z

At the BOS meeting of July 8, 2008, the EIR was ordered recirculated, but restricted to the extra amount of earth moved. Even on such a narrow field, we were able to find many of intentional misdirections: On the levels of garage below grade, on the given reasons for the new export of the 25,940 cubic yards of earth.

7

a. The 92,576 Cubic Yards of solid waste to be exported from the Shores Project appeared in the DEIR **only** in two places: At page 5-7.1 in the section entitled Solid Waste; and at page 1.0-16 within a Table discussing mitigation measures, which were restricted to landfills.

8

b. These **Waldos** (Relevant information not easily found nor understood.) were not found by the three public commentators on earth movement to the DEIR: D. H. Gottlieb (math. professor), Gene Haberman (rocket engineer), and R.K. van Wert (experienced consultant not working for MSCII). This illustrates the success of the document's omissions and imprecision in confusing the public.

9

c. The Findings of December 2006, a document not available to the public until the **day before** the Board Of Supervisors (BOS) meeting to hear the case (because the Supporting Documents were garbled on the BOS website), did not mention the 92,576 cubic yards to be exported. In addition the FEIR did not mention the figure.

10

e. Judge Yaffe however found the 92,576 cy, the **TOTAL** amount of solid waste to be exported in the DEIR and used it in connection with the added amount of exported waste (25,940 cubic yards) first mentioned in the FEIR, due to a change in plan, **to rule** that the additional export of earth was too large to be dismissed, because of the **Public's right to know the basis of decisions made by their representatives**.

11

f. At the BOS meeting of July 8, 2008, the EIR was ordered to be recirculated based only on the changed extra export of earth of 25,940 Cubic Yards of earth. At that meeting, the MSCII asked that the entire EIR be recirculated, and failing that asked that the relevant County Staff state the **TOTAL** amounts of earth **moved** on the construction site, and **exported** from the site, and **imported** to the site. And state the equivalence assumed between a heavy truck trip and a car trip,

12

g. The BOS restricted the recirculation of the EIR to consider only the 25,940 cubic yards of earth exported. But Chairwomen Burke stated that the questions in **item f** should be sent to Staff along with the recirculated EIR, and the Staff should respond to the questions.

13

h. As of November 8, 2008, there was **no response** from the Staff which deals with **item f**.

i. Since the Level of Service (LOS) at an intersection is **NOT a linear** function of the amount of vehicles entering the intersection, the LOS cannot be calculated without knowing the TOTAL number of vehicles on the road. Thus traffic impact cannot be estimated without using the TOTAL of EXPORT and IMPORT traffic. In the recirculated EIR in Section 4.1 beginning at page 4.0-1, the calculations from 2005 are combined with the added number of truck trips stemming from the change of exported earth, 25,940 cubic yards. This adds the change to the previously calculated LOS, which could lead to error. But in addition, since the export of 92,576 cy of waste in **not mentioned** in the DEIR, there is no evidence that the correct earlier amount was calculated.

14

j. The traffic impact of a large truck is more than that of a standard car. The FEIR, page 3.0-58 (see paragraph just above item 9) implies an assumption that one truck = one car. On Page 1.0-2 in the recirculated EIR, it is admitted that one truck = two cars and a round trip = two trips. Thus any calculation based on the original assumptions will undervalue the amount of export and import material by a factor of four. But even one truck = two cars seems to be **too small**, based on common experience. In addition, the mitigations proposed will change the duration of the grading and thus the assumptions used in the calculations are inaccurate.

15

k. In addition, the use of such flawed data as in item j reflects on all the traffic calculations by the traffic engineers Crains and Ass. They seem to be doing much of Marina del Rey's (MdR) Traffic Analysis. Traffic analysis also involves the trading of Development Potentials between parcels, and the calculations of LCP required development caps. The resulting vast amount of unpunished brazen incompetence among the consultants is an indication of serious failure of governmental oversight.

16

l. There seems to be a **name game** going on with the title of the DAEA. A Google search on "Additional Environmental Analysis" yielded 7,780 hits. Many were just the phrase in text, and not the title. On the other hand, "recirculated Environmental Impact Report" had 279 hits whereas the initialed version "recirculated EIR" had 437 hits. Searching on both "Additional Environmental Analysis" AND "recirculated Environmental Impact Report" yielded

17

m. Without TOTAL **EXPORT** and **IMPORT** figures of material on the construction site, you cannot analyze the offsite construction traffic impacts, offsite truck noise, offsite air pollution, offsite health impacts, and the duration time of offsite construction impacts as well as other impacts.

17

n. Without the TOTAL EXPORT figure, you cannot analyze landfill impacts. You can mitigate them by recycling. The EIR asserts they can recycle 50%, so in the EIR they cut down the EXPORT figures by 1/2. **Beware** you don't accept that half figure for other calculations.

18

o. Onsite construction impacts on **health** need the **TOTAL** amount of **Earth Movement** to estimate dust and particulate matter. Certain harmful substances such as Nitric Oxide or asbestos, come from heavy machines cutting or filling earth, or from special types of constructions or soils.

19

p. Onsite Construction Noise is exacerbated by Earth Moving. The TOTAL amounts of import, export, cut and fill play a role in estimating onsite construction noise, health impacts, air pollution, dewatering generator noise, polluted water runoff (we still have brown brackish water running in front of our condos from the long finished Archstone **remodeling**).

20

q. In the FEIR, the Shores mentioned, in only one place (page 3.0-254 last line) , that they were adding **gravel** fill below their foundations because of high ground water. (This will protect their garage floor, but the water will go somewhere, probably towards MSCII, and along the gutters of the via Marina, (a scenic road).

21

r. The word **GRAVEL** appears only once in the FEIR (at the bottom line on page 3.0-254), and is a cited reason for the change of plans which requires EXPORT of earth from their site. For more details, the reader is referred to a **nonexistent** section of the FEIR ("Section 2.3". This can be found at the last line of the paragraph mentioning **gravel**).

s. Another **contradicting** explanation for the change in the grading plan is given in the FEIR (at page 4.1-10 Response 1.) as simply a corrected **calculation**.

22

t. There is no mention of **IMPORTED GRAVEL** in the recirculated EIR or in the County's responses to the recirculated EIR. Does it in fact exist? We know that nearby projects have a high water table and must import some kind of impermeable material to mitigate the problem.

u. The amount of **imported gravel** is not mentioned at all, anywhere. Must we guess that it is the fill amount?

v. The information asked for in **item f** was **not** provided for in the recirculated EIR or in any of the comments from relevant County Staff. The only response in the recirculated EIR (also called the Draft Additional Environmental Analysis, DAEA) was to the question: State how many cars trips are = 1 truck trip? An indirect answer mentioned in **item j** , (Page 1.0-2 in the recirculated EIR) required mathematics and understanding technical language to infer that the answer was one Truck = two cars. Please compare this with the FEIR, page 3.0-58 (see the paragraph just above item 9) which implies that one truck = one car. Notice the **queering** of the word **trip** with **round-trip** by mentioning **800 car trips** in the same paragraph with **32 truck trips**. This trick actually worked and was the reason the questions in **item j** included the line: State the equivalence of truck trips with car trips. Note that the analysis needed to infer the '**1 truck = 2 cars**' is at the same level as the analysis to infer '**1 truck = 1 car**'. Also it seems more reasonable that 1 heavy earth moving truck = between 3 or 4 cars.

23

w. The **queering** of words is common in the EIRs of the Marina, and throughout the County. Whether or not **queering** causes actual errors in the technical calculations, it is clear that they confuse the public thus interfering with the **Public's ability to understand the basis of the decisions made by their representatives** and also make it harder for those representatives to come to a reasoned decision. **Word queering** is so common and brazen since the governing bodies do not punish these tricks.

24

x. Another example of **queering words** occurs in the FEIR on page 2.0-21. The quote is: Project modifications indicate that only one level of the garages would occur below grade (versus **two levels** as defined in the **Draft EIR**). Conversation with URS Consultants indicates that modifications to the project description would not alter resource data or conclusions incorporated in the geotechnical report.
In fact, the URS consultants continued to question the Shores as to whether only one level of subterranean garages were meant. Finally they repeated the one below grade level in a letter of understanding with the Shores. When the Shores was heard at the Design Control Board, the developers introduced ambiguity by saying two levels of garages

25

would be **partially** below grade. This wording appeared in the DEIR, but **queering** occurred which suggested both levels were below grade. This **queering** succeeded with the Math. Professor, and the consultant R. K. van Wert (see the response to his letter in the FEIR), and the anonymous writer of the quote above. This change of plan is the reason given that the export 25,596 solid waste was changed in the FEIR.

25

y. No wonder in **item x**, that the URS consultant's data and conclusions were not altered by the **modification** of the project description.

26

z. This DAEA fails to address the questions in item f above and ordered circulated with the EIR. Thus the Public still does not know the basis of any approval of the Shores Project. The discussion of the Court's decision at the BOS on July 8, 2008, by the County counsel failed to mention the Public's right to know the basis of the decisions made by their representatives in their discussion of the scope of the recirculation . Instead it was described as the Court found only one item in the Homeowners favor and rejected all the others. That is like saying someone who was acquitted of trespassing and stealing a car and speeding, .. and convicted of murder was found innocent on all counts except one.

27

Therefore, I urge the Department of Regional Planning to recommend to the Board of Supervisors to deny approval of this project.

28

Thank you for your consideration of this matter.

Sincerely,

Professor Daniel Henry Gottlieb

Responses to Comment Letter from Daniel Gottlieb; Dated November 13, 2008

Response 6-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material or other issues addressed in the Additional Environmental Analysis (AEA). No formal response is required.

Response 6-2

The commentator expresses his opposition to the Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. Consistent with Judge Yaffe's order and direction from the Los Angeles County Board of Supervisors, the draft Additional Environmental Analysis (DAEA) dated October 2008 addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that (1) the impacts are not significant; and (2) there is no change in the environmental conclusions analyzed in the draft or final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill.

The geotechnical report by URS dated May 8, 2001 (Appendix 5.1[A] of the draft EIR dated November 2005) that was reviewed and approved by the County of Los Angeles Department of Public Works did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous materials is expected to be exported.

Response 6-3

This is a general comment indicating the environmental review process conducted by the County of Los Angeles deceives the public and their representatives. The comment does not include any specific allegation of deceit or defective process. This is not a comment addressing the environmental issues associated with the export of excess cut material or other issues addressed in the draft Additional Environmental Analysis (DAEA) dated October 2008. No formal response is required.

Response 6-4

This is a general comment regarding the County's process regarding the commentator's opinion that notices associated with the environmental review process contain numerous misleading or false statements, maps, diagrams, and tables. However, the commentator provides no specific examples. Therefore, this is not a comment addressing environmental issues associated with the export of excess cut

material or other issues addressed in the draft Additional Environmental Analysis (DAEA) dated October 2008. No formal response is required.

Response 6-5

This is a general comment indicating that developers in the marina work too closely with County staff. The commentator expresses his opinion and allegation that such a close working relationship encourages risky ventures and minimizes or eliminates the discussion of potential project impacts. This is not a comment addressing the environmental issues associated with the export of excess cut material or other issues addressed in the draft Additional Environmental Analysis (DAEA) dated October 2008. No formal response is required.

Response 6-6

The comment expresses an unsupported and unsubstantiated legal opinion regarding an alleged conflict of interest. It is not clear what the commentator means by “a more complete circulation of the Shores EIR.” This comment could imply that the commentator is not satisfied with the public notice and scope of circulation of the DAEA. On the other hand, this comment may imply dissatisfaction with the scope of environmental review within the DAEA. With regard to public notice and circulation, Section 15087 of the *State CEQA Guidelines* provides information on the public notice requirements of an EIR. It indicates that “Notice shall be mailed to the last known name and address of all organization and individuals who have previously requested such notice in writing and shall also be given notice by one of the following procedures; (1) publication in a newspaper of general circulation; (2) posting of the notice on site; or (3) a direct mailing to nearby residents. Given normal County procedures, and consistent with state law, the County published notice in a newspaper of general circulation (reference the Argonaut in December 2005), and conducted a direct mailing to nearby residents who requested such notice in writing. Further, all residents who requested copies of the draft EIR dated November 2005, the final EIR dated December 2006 or the draft Additional Environmental Analysis (DAEA) dated October 2008 were supplied either hard copies, electronic copies or both. Copies of the draft and final EIRs and the DAEA were also made available at local libraries. Based on the above, the County met or exceeded all public notice requirements for this project as specified by state law.

If the comment is intended to imply that the scope of the environmental analysis in the DAEA is too narrow, the DAEA focused on significant new information identified by court in its Peremptory Writ of Mandate and Judgment (i.e., the additional 25,940 cubic yards of excess cut material), the impact of disposal of 25,940 cubic yards of excess cut on Los Angeles County landfill capacity, and the associated secondary environmental impacts of hauling on the traffic, noise and air quality environments. According to *State CEQA Guidelines* section 15088.5(c): “If the revision [to the EIR] is limited to a few chapters of the EIR, the lead agency need only circulate the chapters or portions that have been modified.” The scope of

environmental review in the DAEA fully responds to the order of the court and fully complies with Section 15088.5(c) of the *State CEQA Guidelines*.

Response 6-7

No record indicates that the County of Los Angeles Board of Supervisors ordered “recirculation” of the draft EIR dated October 2008. Rather, the Board was specific that further environmental review be limited to responding only to those issues specified in the court’s ruling.

Consistent with County policy and state law, subsequent to the close of the public hearing on The Shores Project, the County of Los Angeles Board of Supervisors directed preparation of the final EIR dated December 2006. Regarding the change in grading quantity, the final EIR disclosed only that excavation would require the movement of approximately 50,160 cubic yards of cut; 24,220 cubic yards of fill; and export of 25,940 cubic yards from the project site (a change from the balanced on-site 40,000 cubic yards of cut, 40,000 cubic yards of fill defined in the draft EIR dated November 2008). No specific reasons were given in the final EIR for the change in grading quantity.

Response 6-8

Solid waste requiring export is generated during the three phases of project construction (i.e., demolition, grading, and construction). The commentator is correct. As stated in the draft EIR dated November 2005 a total of 92,576 cubic yards of demolition and construction debris would be generated (reference pages 1.0-16, 5.7-1, and 5.7-14 of the draft EIR) and would require disposal off site. This demolition and construction debris, and the truck trips required to haul the waste to disposal facilities was considered in the construction noise, air quality and traffic calculations included in the draft EIR. In addition to the demolition and construction debris, the final EIR disclosed there would be export of soil generated during grading (25,940 cubic yards). As currently proposed, and as defined in the final EIR dated December 2006, site grading would require the movement of approximately 50,160 cubic yards of cut; 24,220 cubic yards of fill; and export of 25,940 cubic yards from the project site. Therefore, as defined in the draft and final EIR and the draft Additional Environmental Analysis (DAEA) dated October 2008, demolition debris requiring export and disposal is the sum 88,000 cubic yards of demolition debris, 4,576 cubic yards of construction debris (as defined in the draft EIR), and 25,940 cubic yards of excess cut material. Evaluation and public disclosure of the grading debris (or export) formed the basis of Judge Yaffe’s decision and the associated DAEA.

This response also answers the first, second and fourth of the five questions submitted by Mr. Gottlieb at the July 8, 2008 Board of Supervisors meeting.

Response 6-9

The commentator implies that the information in the draft EIR dated November 2005 was not sufficiently clear or understandable as to meet the public disclosure requirements of CEQA. However, this opinion is contradicted by public testimony received from other members of the public. Written testimony from Roger Van Wert, dated February 2006, and as included in the final EIR dated December 2006, indicated the grading volume in the draft EIR was too low. Mr. Van Wert was correct and in response, grading volumes were modified and presented for review as part of the final EIR and formed the basis of the solid waste discussion in the draft Additional Environmental Analysis (DAEA) dated October 2008. No similar testimony regarding the solid waste disposal of the project was included in the written or oral testimony of either Mr. Gottlieb or Haberman.

Response 6-10

The commentator is correct. There is no mention of demolition or construction debris in the Findings or other associated Board of Supervisors documents pertaining to the project. The 92,576 cubic yards of demolition and construction debris was described and evaluated in the draft EIR dated November 2005 (reference pages 1.0-16, 5.7-1, and 5.7-14 of the draft EIR). The impact of demolition and construction debris was addressed in the draft EIR and was not found to be significant. As such, no mention of demolition and construction debris is required in the Findings or other associated Board of Supervisors documents pertaining to the project.

Response 6-11

The Superior Court found that substantial new information was limited to the fact that on-site grading was not balanced and that site excavation would require the export and disposal of approximately 25,940 cubic yards of excess cut material. Having found the project EIR to be deficient in this regard, the court directed the County to set aside its approvals of the project permits, its adoption of the Statement of Overriding Considerations, Environmental Findings of Fact, Mitigation Monitoring Program, conditions of project approval, and its certification of the project environmental impact report. The court further directed that the direct (i.e., the impact on local landfill capacity) and indirect effect (i.e., the impact of haul trips on the traffic air quality and noise environments) of this new information (i.e., the additional 25,940 cubic yards of excess cut material) be analyzed and subject to public review and comment.

No portion of Judge Yaffe's order focused on the need to address impacts associated with demolition and construction debris on the solid waste, traffic, or noise environments. Construction and demolition debris was described and assessed in the draft EIR dated November 2008 and was circulated to the public and required agencies for review and comment. The focus of Judge Yaffe's order was to allow the public and

required agencies to review and comment on the significant new information not included in the draft EIR (i.e., the direct and indirect effects of the disposal of 25,940 cubic yards of excess cut material).

Response 6-12

No record indicates that the County of Los Angeles Board of Supervisors ordered “recirculation” of the draft EIR dated October 2008. Further, the County of Los Angeles Board of Supervisors clearly limited any additional environmental analysis only to those issues specified by the court (i.e., the direct and indirect effects of the disposal of 25,940 cubic yards of excess cut material). These directives formed the basis of the draft Additional Environmental Analysis (DAEA) dated October 2008. Review of written and oral testimony provided by the Marina Strand Colony II (MSCII) makes no mention of, or questions the disposal requirements for construction debris. Only Mr. Van Wert (not a representative of MSCII) questioned the grading volumes described in the draft EIR. His comments were limited to grading requirements and the potential need for the export of excess earth material. Mr. Van Wert’s comments were addressed in the final EIR dated December 2006 and the DAEA) dated October 2006.

Response 6-13

The Board’s direction is set forth in the motion of the Board of Supervisors. Although this matter was part of the discussion by the Board, it was not a formal adoption by them. The motion passed by the Board of Supervisors, instructed Regional Planning staff as follows: On July 8, 2008, the Los Angeles County Board of Supervisors instructed the Department of Regional Planning to comply with the court ruling by

- a. preparing an Additional Environmental Analysis of the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from construction of The Shores Project;
- b. circulating the Additional Environmental Analysis for public review and comment for a 45-day period;
- c. preparing responses to all public comments received; and
- d. duly noticing a public hearing with this Board to consider the following actions: certification of the additional CEQA analysis, adoption of any CEQA findings necessary to recertify the EIR with the Additional Environmental Analysis; recertification of the EIR; and reapproval of The Shores Project-Project No. R2005-00234-(4), including but not limited to Coastal Development Permit Number RCDP200500002-(4); Parking Permit Number RPKP200500004-(4) and Variance Number RVAR200500004-(4).

Response 6-14

The commentator expresses his opinion regarding the appropriate methodology of calculating Level of Service traffic trip impacts at intersections. The Commentator has provided no evidence or credential demonstrating expertise in traffic trip modeling. Furthermore, no portion of Judge Yaffe’s order focused

on the need to address impacts associated with demolition and construction debris on the solid waste, traffic, or noise environments. These project description characteristics and their associated environmental impacts were described and evaluated in the draft EIR dated November 2008, and were circulated to the public and required agencies for review and comment. The focus of Judge Yaffe's order was to allow the public and required agencies to review and comment on the direct and indirect effects of the significant new information not included in the draft EIR (i.e., the 25,940 cubic yards of excess cut material). As such, the impact of haul trucks on the traffic environment was limited to that associated with the disposal of 25,940 cubic yards of earth material to the Puente Hills Landfill.

The impact of haul truck traffic associated with the disposal of 25,940 cubic yards of excess cut material was calculated by Hirsch and Associates using traffic engineering methods defined by the County of Los Angeles Department of Public Works. Further, the County of Los Angeles Department of Public Works reviewed and approved the methodology and the results of the analysis. As defined in the draft Additional Environmental Analysis (DAEA) dated October 2008 the impact of truck trips required to dispose of the 25,940 cubic yards of excess cut material was not considered significant.

Solid waste is generated during demolition and would require disposal off site. Demolition and construction debris was defined and assessed in the draft EIR dated November 2005. A total of 92,576 cubic yards of demolition and construction debris (88,000 cubic yards of demolition debris and 4,576 cubic yards of construction debris) would be generated during demolition and construction and would require disposal off site (reference pages 1.0-16, 5.7-1, and 5.7-14 of the draft EIR). As defined in the draft Additional Environmental Analysis (DAEA) dated October 2008, it can be assumed that a portion of the trash and wood generated during demolition would be delivered to the Downtown Diversion facility located in Los Angeles, while a portion of the asphalt and stucco would be delivered to the Lovco crushing facility in Wilmington. The Downtown Diversion facility has a 2,000-ton capacity per day. Other non-hazardous construction debris would be collected by local solid waste disposal companies and disposed of at local landfills. Given the sufficiency of available capacity at the Downtown Diversion facility, the Lovco Crushing facility, and local Class III landfills, the disposal of demolition and construction debris would not result in impacts that are considered significant. No mitigation is proposed or is required.

Response 6-15

The commentator expresses his opinion regarding the appropriate methodology of calculating a passenger car equivalent for heavy truck trips. The Commentator has provided no evidence to support this opinion. The draft Additional Environmental Analysis (DAEA) dated October 2008 assessed the impact of 128 vehicle (i.e., car) trip ends; the equivalent of 32 truck round trips). Hirsh and Associates indicates that based on accepted traffic engineering standards, the passenger car equivalent for haul

trucks is 2.0 passenger cars per truck. Following standard practice this passenger car equivalent rate was compared assessed in relation to the traffic environment as projected for the haul year (2009) and the results were peer reviewed and confirmed by the County of Los Angeles Department of Public Works and found to be accurate.

This response also answers the last part of the second of the five questions submitted by Mr. Gottlieb at the July 8, 2008, Board of Supervisors meeting.

Response 6-16

The commentator expresses his opinion regarding the methodology of traffic trip impact studies throughout Marina del Rey. The Commentator has provided no evidence to support this opinion or a credential demonstrating that commentator possesses expertise in traffic trip study methodology. The commentator questions the accuracy of the traffic report. In response, descriptions of traffic impacts and traffic associated with the disposal of 25,940 cubic yards of excess cut material was calculated by Hirsch and Associates consistent with methods defined by the County of Los Angeles Department of Public Works. Further, as a method of peer review, the County of Los Angeles Department of Public Works reviewed and approved the methods and the results of the analysis prior to public distribution. As defined in the draft Additional Environmental Analysis (DAEA) dated October 2008 the impact of truck trips required to dispose of the 25,940 cubic yards of excess cut material was not considered significant.

Response 6-17

The commentator questions whether the name of the DAEA complies with CEQA. There are many different names that have been applied to EIRs. The name attached to an EIR does not matter. CEQA does not elevate form over substance. *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 440 (titling a notice of availability a “notice of public hearing and review” is inconsequential; “CEQA does not require use of a certain title and the law does not place form above substance”). Several cases have dealt specifically with the issue of the title given to an EIR. In *Natural Resources Defense Council v. California Coastal Zone Conservation Com.* (1976) 57 Cal.App.3rd 76, there was no EIR at all. The court nevertheless held that the “exhaustive staff report of the Commission together with that agency’s findings of fact, although not so entitled, was in substance an environmental impact report ... It was such an ‘informational document’ as is required by [CEQA] ... *It is the substance, rather than the form, of such a document which determines its nature and validity.*” *Id.* at 90-91 (emphasis added). Consequently, the adequacy of the DAEA as a CEQA document depends not upon its name, but the substance of the information contained within it, and upon whether the DAEA complies with the court’s order.

The commentator states the draft Additional Environmental Analysis (DAEA) dated October 2008 is not consistent with the procedural requirements of CEQA. In response, the DAEA has been prepared in response to a Superior Court decision issued in litigation challenging the adequacy of portions of The Shores Final Environmental Impact Report dated December 2006 and is the functional equivalent of a recirculated EIR. A summary of the litigation is provided below.

BACKGROUND

On March 27, 2007, the County of Los Angeles Board of Supervisors denied the appeal of certified Environmental Impact Report SCH 2005071080 for The Shores Apartment Project (County Project Number R2005-00234-4) and approved Project No. R2005-00234-(4), Coastal Development Permit Number RCDP200500002-(4); Parking Permit Number RPKP200500004-(4) and Variance Number RVAR200500004-(4). In so doing, the County Board of Supervisors denied an appeal by Marina Strand Colony II Homeowners Association (HOA) of the County Regional Planning Commission's approval of The Shores Apartment Project (project). The HOA subsequently petitioned the Superior Court of California, Los Angeles Division for a Writ of Mandate to invalidate the EIR, alleging that the EIR did not comply with CEQA. The Superior Court rejected all but one of the HOA's claims, finding that significant new information was included in the EIR for the project and that this significant new information had not been subject to prior public review and comment. New information was limited to the fact that on-site grading was not balanced and that site excavation would require the export and disposal of approximately 25,940 cubic yards of excess cut material. Having found the project EIR to be deficient in this regard, the court directed the County to set aside its approvals of the project permits, its adoption of the Statement of Overriding Considerations, Environmental Findings of Fact, Mitigation Monitoring Program, conditions of project approval, and its certification of the project environmental impact report. The court further directed that this new information (i.e., the additional 25,940 cubic yards of excess cut material), the impact of disposal of 25,940 cubic yards of excess cut on Los Angeles County landfill capacity, and the associated secondary environmental impacts of hauling on the traffic, air quality, and noise environments be analyzed and recirculated for public and agency review and comment.

The draft EIR dated November 2005 that the County made available for public review and comment pursuant to the requirements of the CEQA described the excavation and grading of the site as follows: "as currently proposed, site excavation would require the movement of approximately 40,000 cubic yards of cut and fill; excavation on site would be balanced." (See page 3.0-10 of the draft EIR, The Shores Project, dated November 2005; Appendix C of the draft Additional Environmental Analysis (DAEA) dated October 2008). This statement represented the assumption that no surplus excavation would have to be hauled away from the site.

During public review of the project, after receiving comments from the public and preparing responses to those comments (principally a letter from Mr. Van Wert), the County issued a final EIR, dated December 2006 (also in Appendix C of the DAEA), which for the first time disclosed that: “As currently proposed, site excavation would require the movement of approximately 50,160 cubic yards of cut; 24,220 cubic yards of fill; and export of 25,940 cubic yards from the project site. Excavation on the project site would not be balanced” (see page 2.0-11 of the final EIR, The Shores Project, dated December 2006 in Appendix C of the DAEA). The court found that this statement disclosed that all excavated earth material could not be used for fill material on the project site and that excess cut material would have to be hauled away from the site.

No disposal site was identified in the Project Description section of the draft EIR. However, page 5.2-20 of the Noise section of the draft EIR, dated November 2005 (also in Appendix C of the DAEA), indicates that the construction debris receptor location and the ultimate destination of the haul route was the Puente Hills Landfill located in the City of Industry.

Page 2.0-21 of the final EIR, The Shores Project, dated December 2006 (also in Appendix C of the DAEA), indicated that “Due to changes in the area of site alteration, grading on the project site is not balanced and that approximately 25,940 cubic yards of earth material would require export from the project site. Excavation on the project site is expected to require approximately 40 working days to complete. Given an assumption that earth haulers can carry approximately 20 cubic yards, approximately 1,297 truck trips would be required or approximately 32 additional truck (round) trips per day (i.e., the equivalent of 64 additional truck trips/day), or 128 passenger car equivalent (pce) trips/day based on 16 pce trips/hour averaged over 40 working days.” The later figure of 64 additional truck trips per day is used in the remainder of this analysis.

The court found that the increase in the amount of solid waste earth material that will have to be hauled away from the project site constitutes significant new information which was added to the final EIR after public notice was given of the availability of the draft EIR for public review (distributed to the public on December 5, 2005), but before certification (certified December 13, 2006). Unless this new information is circulated for public consent, the court found that the public was deprived of a meaningful opportunity to comment on the substantial adverse effect of this change (i.e., the 25,940 cubic yards of export) or to identify feasible ways to mitigate or avoid project related impacts.

The court remanded the matter to the County for such action as the County deems proper and consistent with the order of the court. In response to this mandate, the County Board of Supervisors (Board), in a motion unanimously passed by the Board on July 8, 2008, instructed the Department of Regional Planning to comply with the court ruling by

1. preparing an Additional Environmental Analysis of the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from construction of The Shores Project;
2. circulating the Additional Environmental Analysis for public review and comment for a 45-day period;
3. preparing responses to all public comments received; and
4. duly noticing a public hearing with this Board to consider the following actions: certification of the additional CEQA analysis, adoption of any CEQA findings necessary to recertify the EIR with the Additional Environmental Analysis; recertification of the EIR; and reapproval of The Shores Project-Project No. R2005-00234-(4), including but not limited to Coastal Development Permit Number RCDP200500002-(4); Parking Permit Number RPKP200500004-(4) and Variance Number RVAR200500004-(4).

PROCEDURAL REQUIREMENTS UNDER CEQA

The draft Additional Environmental Analysis (DAEA) dated October 2008 complies fully with the procedural requirements associated with preparation of an EIR.

Under CEQA, the lead agency prepares, or causes to be prepared, an EIR that must follow the procedural requirements defined below:

1. Submission of a Notice of Preparation to responsible agencies, the State Clearinghouse and others in order to solicit comments on the scope of the draft EIR (*State CEQA Guidelines* Section 15082);
2. Filing of the draft EIR and a Notice of Completion for the draft EIR with the Office of Planning and Research (*State CEQA Guidelines* Sections 15085, 15205);
3. Publishing of a Notice of Availability of the draft EIR (Public Resources Code Section 21092; *State CEQA Guidelines* Section 15087);
4. Provision for public review and comment on the draft EIR for at least 45 days (Public Resources Code Section 21091 {a}; *State CEQA Guidelines* Section 15105[a]);
5. Evaluation of and responses to comments on the draft EIR (*State CEQA Guidelines* Section 15088); and
6. Although not required, public hearings may be held (*State CEQA Guidelines* Section 15202).

Although these procedural requirements do not necessarily apply to a revised environmental analysis done in response to a court ruling, in preparing the AEA, the County complied with all of the procedural requirements and issues identified above

The County has received, evaluated, and responded to all comments on the DAEA. In addition, although not required under CEQA, the County will hold hearings before the Los Angeles County Board of

Supervisors. At those hearings, the public will be given additional opportunity to provide oral comments, which will be transcribed, responded to, and included in the final Additional Environmental Analysis. The Board of Supervisors will then reconsider The Shores EIR, as supplemented by the DAEA.

SUBSTANTIVE REQUIREMENTS UNDER CEQA

Although not required, the DAEA also meets CEQA's substantive "content" requirements for an EIR. CEQA requires that an EIR contain certain elements, "but the format of the document may be varied." (*State CEQA Guidelines* Section 15120{a}) CEQA envisions that EIRs can be varied and tailored to different situations. See *State CEQA Guidelines* Section 15160, "These variations are not exclusive. Lead agencies may use other variations consistent with the guidelines to meet the needs of other circumstances."

CEQA also does not mandate that a public agency prepare a document called an "EIR." The primary concerns under CEQA are that the document comply with the content requirements for an EIR and provide sufficient information to allow decision-makers to make an informed decision. For example, an EIR may be prepared as part of a "project report, as long as the project report contains"...one separate and distinguishable section providing either analysis of all the subjects required in an EIR or as a minimum, a table showing where each of the subjects is discussed." *State CEQA Guidelines* Section 15166. Therefore, a document need not be titled "EIR" to comply with CEQA, as long as it contains the required elements.

In general, CEQA requires that an EIR include (1) a table of contents or index (*State CEQA Guidelines* Section 15122); (2) a summary (*State CEQA Guidelines* Section 15123); (3) a project description (*State CEQA Guidelines* Section 15124); (4) a discussion of environmental setting and project impacts (*State CEQA Guidelines* Section Sections 15126, 15126.2); (5) a discussion of mitigation measures (*State CEQA Guidelines* Section 15126.4); and (6) a discussion of alternatives (*State CEQA Guidelines* Section 14126.6). The Shores Final EIR, as supplemented by the DAEA, contains all of the required elements of an EIR.

For example, in addition to the required Table of Contents and Introduction, the DAEA contains the following sections necessary to make the prior The Shores Final EIR adequate under CEQA, and include (1) Section 1.0, Background; (2) Section 2.0, Technical Background; (3) Section 3.0, Impact of Excess Cut Material on Local Landfills; (4) Section 4.0, Secondary Impacts of Excess Earth Material; (5) Section 5.0, References; (6) Section 6.0 Organizations and Persons Consulted and (7) Preparers. In addition the entire draft and final EIRs were included electronically.

The "final" Additional Environmental Analysis (FAEA) will also contain a table of contents, introduction, copies of all comment letters received in response to the draft Additional Environmental Analysis, as well as responses to those comments. The final, revised environmental documentation, consisting of the

DAEA, the FAEA, and the prior The Shores Final EIR, as revised by the Additional Environmental Analysis, will be presented to the Los Angeles County Board of Supervisors prior to a final decision on The Shores Project. All of the above documents have been reviewed by the County to reflect the County's independent judgment, as required by CEQA.

Consistent with the court's decision, the County has met and exceeded CEQA's procedural and substantive requirements for the preparation and circulation of revised environmental documents.

This response also answers the third of the five questions submitted by Mr. Gottlieb at the July 8, 2008 Board of Supervisors meeting.

In regard to total export and import of materials, please refer to **Response 6-18** below for discussion.

Response 6-18

The export of fill material is not related to the import of gravel or other building construction materials. The export of fill material occurs during grading when the cut associated with grading exceeds grading related fill (in this case 25,940 cubic yards). Gravel is a component part of the building construction process and does not differ substantively from the import of concrete, lumber, or other materials associated with the building construction process. Vehicle trips necessary to import construction materials was assumed in the construction noise, air quality and traffic calculations included in the draft EIR.

No portion of Judge Yaffe's order focused on the need to address impacts associated with demolition and construction debris on the solid waste, traffic, or noise environments. These project description characteristics and their associated environmental impacts were described in the draft EIR and were circulated to the public and required agencies for review and comment. The focus of Judge Yaffe's order was to allow the public and required agencies to review and comment on the significant new information not included in the draft EIR (i.e., the 25,940 cubic yards of excess cut material). As such, impacts of the disposal of excess cut material on the solid waste, air quality and noise environments were limited to the disposal (i.e., export) of 25,940 cubic yards of earth material to the Puente Hills Landfill.

Response 6-19

The commentator states that the EIR did not assess the health effect of the total amount of earth material. Again, the focus of Judge Yaffe's order was to allow the public and required agencies to review and comment on the significant new information not included in the draft EIR (i.e., the direct and indirect effects of the disposal of 25,940 cubic yards of excess cut material). The draft Additional Environmental Analysis (DAEA) dated October 2008 focuses on the direct and indirect impacts of disposal of 25,940 cubic yards of excess cut material.

In further response to the commentator, the draft EIR dated November 2005 does respond to air quality impacts and their associated health effects. Table 5.4-3 of the draft EIR dated November 2005 describes the health effects of various pollutants including suspended particulate matter and nitrogen oxide. Pages 5.4-20 through 5.4-23 of the draft EIR discuss impact of particulate matter during construct and reference these impacts as being significant. Page 5.4-29 of the draft EIR, Mitigation Measure 5.4-3 defines the required mitigation for asbestos in conformance with existing South Coast Air Quality Management District Rules. Further calculation regarding the health effects of nitric oxide, asbestos, and particulate matter are defined in Appendix 5.4(B) of the draft EIR.

Response 6-20

The commentator states that the total amounts of import, export and cut and fill are necessary to evaluate noise impacts, air pollution and dewatering requirements. Again, the focus of Judge Yaffe's order was to allow the public and required agencies to review and comment on the significant new information not included in the draft EIR (i.e., the direct and indirect effects of the disposal of 25,940 cubic yards of excess cut material). The draft Additional Environmental Analysis (DAEA) dated October 2008 focuses on the direct and indirect impacts of disposal of 25,940 cubic yards of excess cut material.

In further response to the commentator, construction noise calculations considered on-site and off-site noise effects (reference pages 5.2-19 of the draft EIR dated November 2005). The draft EIR does respond to air quality impacts and their associated health effects that would occur during project demolition, grading, and construction. Table 5.4-3 of the draft EIR dated November 2005 describes the health effects of various pollutants including suspended particulate matter and nitrogen oxide. Pages 5.4-20 through 5.4-23 of the draft EIR discuss impact of particulate matter during construct and reference these impacts as being significant. Page 5.4-29 of the draft EIR, Mitigation Measure 5.4-3 defines the required mitigation for asbestos in conformance with existing South Coast Air Quality Management District Rules. Further calculation regarding the health effects of nitric oxide, asbestos, and particulate matter are defined in Appendix 5.4(B) of the draft EIR. Section 5.3 (Hydrology and Water Quality) of the draft EIR defines that all parts of the project are required to submit and have approved a Storm Water Pollution and Prevention Plan prior to grading to limit or eliminate impacts associated with runoff.

Response 6-21

The commentator suggests that the placement of gravel and building the project in an area of high groundwater would result in dewatering and effects of the adjacent Marina Strand Colony project. Section 5.3 (Hydrology and Water Quality) of the draft EIR defines that all parts of the project are required to submit and have approved a Storm Water Pollution and Prevention Plan prior to grading to limit or eliminate impacts associated with runoff.

Section 2.3 of the December 2006 final EIR, titled “**Environmental Analysis**,” was apparently overlooked by the commentator but the section consists of pages 2.0-21 to 2.0-25.

Response 6-22

It is expected that gravel would be required during project construction. The Shores Project, like many projects with subterranean garages, will require cut of the existing ground, fill to set the final dirt grades around the project, and export of the unused cut material. There have been many projects in the region that have been approved to export much more dirt than is proposed on this project and this project is not unique in that regard. This project is estimated to require approximately 50,160 cubic yards of cut, 24,220 cubic yards of fill, and 25,940 cubic yards of export. The design of the building, and therefore appropriate earthwork volumes, had not been completed at the time of issuance of the original DEIR (November 2005). The sum of the cut and fill numbers for The Shores Project is well below the allowable limit of 100,000 cubic yards of earth movement, according to local Marina del Rey regulations. The geotechnical report by URS dated May 8, 2001, did not find any contaminated soil at the project site and therefore no contaminated soil is expected to be exported. This geotechnical report has been available to the public for review as part of the November 2005 DEIR (Appendix 5.1). Gravel, one of the building materials that will be imported to the site, will be used per County of Los Angeles Department of Public Works requirements. The expected volume of gravel required is approximately 10,000 cubic yards.

The purpose of the gravel is to both provide a strong foundation for the building and to allow for the remote potential of rising groundwater to be collected and handled properly, rather than creating an unsafe condition of potential flooding for residents and visitors to the building. This is a voluntary choice of the owner that is in review by the County, meets current building codes, and creates a healthier environment for the community in the event it was ever needed. In no way is it related to potential settlement of the building.

This response also answers the last of the five questions submitted by Mr. Gottlieb at the July 8, 2008, Board of Supervisors meeting.

Response 6-23

As stated in the draft Additional Environmental Analysis (DAEA) dated October 2008, Hauling of the additional 25,940 cubic yards of excess cut earth material would require approximately 32 truck round trips, 64 truck trips/day, or 128 passenger car equivalent (pce) trips/day based on 16 pce trips/hour averaged over 40 working days in 2009 (two months). The commentator expresses an opinion that one heavy truck trip should equal three to four passenger car trips, but provides no evidence to support this opinion. Hirsh and Associates indicates that based on accepted traffic engineering standards, the passenger car equivalent for haul trucks is 2.0 passenger cars per truck. Following standard practice this

passenger car equivalent rate was peer reviewed by the County of Los Angeles Department of Public Works and found to be accurate.

Response 6-24

The commentator suggests that words used in the EIR causes errors in calculations and/or confuses the public. No specific example is provided. This is not a comment addressing the environmental issues associated with the export of excess cut material or other issues addressed in the Additional Environmental Analysis (AEA). No formal response is required.

Response 6-25

The draft EIR dated November 2005 and the final EIR dated December 2006 have consistently stated that “The project’s structured parking would be provided in a two-level, partially subterranean parking garage. The lower parking level would be subterranean while the upper parking level would be partially below grade.” No additional information and data that provides more specific information has been developed at this time.

Response 6-26

The building footprint as described in the draft EIR dated November 2005 and building footprint described in the final EIR dated December 2006 differed slightly. URS consultants reviewed the different site plans and prepared a letter indicating the results of their original analysis required no modification as changes to the building footprint did not require alteration of their construction recommendations. The slightly modified site plane as described in the final EIR did not modify the depth of the project’s structured parking and would be provided in a two-level, partially subterranean parking garage. The lower parking level would be subterranean while the upper parking level would be partially below grade.” No additional information and data that provides more specific information has been developed at this time.

Response 6-27

The commentator questions that the public still does not know the basis for the approval of The Shores Project. In response the basis for approval is included in findings prepared by the Los Angeles County Board of Supervisors. The project Findings are a matter of the public record and clearly define the rationale associated with the decision of the Board of Supervisors.

The commentator suggests that related project issues questioned by the public were not addressed in the draft Additional Environmental Analysis (DAEA) dated October 2008. The Board’s direction regarding the scope of the analysis was clear. The motion passed by the Board of Supervisors, instructed Regional

Planning staff as follows: On July 8, 2008, the Los Angeles County Board of Supervisors instructed the Department of Regional Planning to comply with the court ruling by

- a. preparing an Additional Environmental Analysis of the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from construction of The Shores Project;
- b. circulating the Additional Environmental Analysis for public review and comment for a 45-day period;
- c. preparing responses to all public comments received; and
- d. duly noticing a public hearing with this Board to consider the following actions: certification of the additional CEQA analysis, adoption of any CEQA findings necessary to recertify the EIR with the Additional Environmental Analysis; recertification of the EIR; and reapproval of The Shores Project-Project No. R2005-00234-(4), including but not limited to Coastal Development Permit Number RCDP200500002-(4); Parking Permit Number RPKP200500004-(4) and Variance Number RVAR200500004-(4).

Further, Judge Yaffe's order and direction to the Los Angeles County Board of Supervisors was equally clear. Judge Yaffe was clear that the County should assess and make public the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with export of approximately 25,940 cubic yards of soil during the construction phase of the project. The draft Additional Environmental Analysis (DAEA) dated October 2008 concludes that (1) the impacts are not significant; and (2) there is in no change in the environmental conclusions analyzed in the draft or final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill.

Response 6-28

The commentator recommends that due to flaws in the draft Additional Environmental Analysis (DAEA) dated October 2008 the Board of Supervisors should deny the proposed Shores Project. This is not a comment addressing the environmental issues associated with the export of excess cut material or other issues addressed in the Additional Environmental Analysis (AEA). No formal response is necessary or required.

November 18, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

RE: The Shores Project, Project #R2005-00234-(4)

Dear Mr. Tripp:

On July 8, 2008, when the Board of Supervisors limited the Draft Additional Environmental Analysis (DAEA) on the above-captioned Shores project to only the export of the extra 25,940 cubic yards of earth, they effectively told us that they are not interested in the truth. Only Supervisor Burke seemed interested in some of the truth, when she directed staff to provide specific information on the different types of earth movement and vehicle equivalence assumptions. However, I still cannot find any of that information among the DAEA materials. So, to begin with:

1

Why has staff withheld this relevant information from the public? Why did the county close the public comment period on the DAEA before this information has been made available?

Without this information, it is not possible to assess the impacts. It should not require a mathematician or rocket scientist to calculate this information from piecemeal data—some of which is known to be faulty—in disparate contexts in the DAEA, FEIR, DEIR and related materials. For example, if the developer actually exports an additional 12,970 cubic yards and imports an additional 12,970 cubic yards, the “extra exported earth” remains 25,940 cubic yards, but clearly the earth-moving impacts are exacerbated by a factor of at least 2.

2

What are the total amounts of earth that will be moved within this project, exported from the site and imported to the site? Also, how much of the import/export earth exchange is remediation for contaminated soils? If this data is not clearly specified, how on earth can anyone project levels of impacts, or appropriate mitigations and modifications?

If not for dedicated community members—who, serendipitously, *are* mathematicians and rocket scientists (and engineers)—the developer’s ruse to sneak this additional 25,940 cubic yards of earth past all of us, including the professional planners, might have succeeded. At least until it choked our intersections and the lungs of our residents and visitors, at any rate.

3

Considering the serious understatement of the amount of earth to be moved, and the facile attempt in the FEIR to further conceal health and traffic impacts with a false assumption of 1:1 equivalence of heavy trucks and passenger cars, I conclude that the developer cannot be relied upon to disclose the full impacts of its proposed project. A greater burden thus befalls the county, as both partner in this project and administrator of the public trust, to do due diligence and make full disclosures of the pertinent facts in a timely way, with adequate time for public review and comment. This entire EIR process has failed in that regard, therefore the full EIR needs to be recirculated.

4

Has the county figured out yet that the applicant manipulated earth-moving data to obscure its need to somehow prevent the “sinking building syndrome” of Esprit I from plaguing its project?

Why, indeed, export earth and then bring more back in? The single clue is easy to miss: “gravel,” appears only once, at the bottom of page 3.0-254 of the FEIR. Evidently, the developer is exporting this extra 25,940 cubic yards of earth, or some portion thereof, to facilitate the “dewatering” of its garages using

5

imported gravel, most likely because the unfortunate experience at Esprit I is an object lesson about providing an escape mechanism for all that water displaced by setting massive structures atop a high water table. The gravel may help prevent water from infiltrating the Shores' garages, but where will that water go? Neither the FEIR nor DAEA addresses these environmental and community impacts. Or mitigates for them.

5

I struggled with a number of calculations relating to the 25,940 cubic yards of earth, even sought tutorial help, but all I could figure out was that something is terribly amiss with this project. Ironically, an early discussion at the DCB about some stairway finish materials ultimately triggered the epiphany: the developer will raise the grade level of the parcels! (the image of an outside stairway wouldn't reconcile) This is how the developer managed to change the project from 2 below-grade parking levels in the DEIR to 1 below-grade parking level in the FEIR without changing either the number of stories or the height of the building. What guile... and what gall! Let me restate this in case you do not fully grasp its significance: **The proposed building is not feasible on the existing land.**

6

How many ill-considered projects will it take before the county realizes that a Master Plan with comprehensive EIR is the only intelligent, economical way to deal with these development issues?

Major impacts have been unleashed without regard for community concerns or regional consequences, and without a shred of supporting evidence for such demand, or compatibility with existing uses and public mandates. How much taxpayer money is squandered in pursuit of projects that supplant the protections of our existing law? The tremendous waste of time, money and creative energy on misguided, piecemeal "planning" imposes enormous costs (on all parties) that are not factored into anyone's return on investment. Consider the county's actual return on investment from projects like Esprit I, which for 8 years paid no ground rent, destroyed a major scenic view and most of a public parking lot, and whose returns since occupancy commenced have not begun to approach the more modest and affordable project it displaced. How long will it take us to recoup those losses? What will county taxpayer burden be if a building proves uninhabitable and the lessee cannot obtain the financing to fix it? Visualize instead a comprehensive approach that harnesses the creative energy of a community, reduces county staff requirements, reduces development costs and provides low-cost opportunities for better health for thousands of county citizens into the bargain.

7

So, why have we been limited to addressing only the export of the extra 25,940 cubic yards of earth? (This one is rhetorical.) The answer is simple: a lot of dirt is being shifted around in an attempt to cover up the true impacts of this project, both on the environment and on our community. By limiting the scope of recirculation on this project, it is less likely that the whole truth about this project might jeopardize its implementation, as well as the precedent it will establish for topographical alterations to our community. I urge your strongest recommendation to the Board of Supervisors to:

8

- 1) reject this project in favor of project alternative 3, Rehabilitation of Existing Structures;
- 2) be mindful that the obligations of the county under contracts with lessees must defer to its greater duty to protect the public trust; and
- 3) take immediate action to implement the comprehensive planning approach recommended by the California Coastal Commission.

9

Sincerely,

Nancy Vernon Marino
13700 Tahiti Way, #249
Marina del Rey, CA 90292
nancyvmarino@aol.com

Responses to Comment Letter from Nancy Vernon Marino: Dated November 18, 2008

Response 7-1

The commentator references the Board of Supervisors meeting of July 8, 2008, at which the Board moved to comply with the June, 2008 Los Angeles Superior Court judgment to set aside its approvals of the various land use entitlements (coastal development permit, parking permit and variance) and certification of the final environmental impact report (EIR) for the development known as The Shores, Project No. R2005-00234-(4), and to recirculate specific portions of the EIR for public review and comment concerning the change made in the final EIR regarding project grading and excavation, as directed by the court. Because the court found the EIR to be in compliance with the California Environmental Quality Act (CEQA) except in the single instance of depriving the public with meaningful opportunity to review and comment on the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from the construction of The Shores Project, the County has provided the information needed to make an informed land use decision. The Board's motion is in compliance with the writ of mandate and endeavors to provide the public with the truth relating to the facts associated with the proposed project. The different kinds of earth movement and vehicle equivalence assumptions were not discussed at the Board meeting.

Response 7-2

The commentator asks why relevant information was withheld from the public. Although not specifically reference, it is assumed that this comment refers to the amount of earth movement and the passenger car equivalence of the amount of truck trips. The draft Additional Environmental Analysis (DAEA) was prepared and recirculated, as directed by the County Board of Supervisors in response to the court order, to divulge the amount of project grading and the export of excess cut materials and to provide an analysis of the environmental impacts associated with the cut material export to the Puente Hills Landfill. The DAEA (Section 3.1) discloses that disposal of the additional 25,940 cubic yards of excess cut material at the Puente Hills landfill would not impact this solid waste facility and is not considered significant. This same section discusses the expected amount of demolition waste and the use of the factor of 2.0 for passenger car equivalence determination.

Response 7-3

The commentator requests disclosure of the total amount of exported and imported earth, both on and off the project site. As currently proposed, and as defined in the final EIR dated December 2006, site grading would require the movement of approximately 50,160 cubic yards of cut; 24,220 cubic yards of fill; and export of 25,940 cubic yards from the project site. As described in the draft and final EIR and the draft Additional Environmental Analysis (DAEA) dated October 2008, demolition debris requiring export and disposal is the sum of 88,000 cubic yards of demolition debris, and 4,576 cubic yards of construction

debris (as defined in the draft EIR), and 25,940 cubic yards of excess cut material will also be moved off site.

The commentator also inquires whether contaminated soils are involved in the project excavation efforts. The geotechnical report by URS dated May 8, 2001 (Appendix 5.1 of the November 2005 DEIR) did not find any contaminated soil at the project site and therefore no contaminated soil is expected to be exported.

Response 7-4

This comment represents the information in the draft EIR and the final EIR as an understatement of the actual amount of grading for project construction. This project is estimated to require approximately 50,160 cubic yards of cut, 24,220 cubic yards of fill, and 25,940 cubic yards of export, resulting in a net reduction in total on-site cut and fill volume compared to the draft EIR. A loaded truck trip is modeled as the equivalent of 2.0 car trips (as recommended by the traffic consultant). Even with the use of the passenger car equivalence, the number of truck trips per day will be considerably lower than the existing vehicle trips generated by the current residential land use.

Response 7-5

The commentator implies that the use of gravel in order to improve on-site drainage beneath the parking garage was an attempt by the project applicant to avoid disclosure of the construction requirements for the project. This is not accurate. The Shores Project, like many projects with subterranean garages, will require cut of the existing ground, fill to set the final dirt grades around the project, and export of the unused cut material. There have been many projects in the region that have been approved to export much more dirt than is proposed on this project and this project is not unique in that regard. This project is estimated to require approximately 50,160 cubic yards of cut, 24,220 cubic yards of fill, and 25,940 cubic yards of export, resulting in a net reduction in total on-site cut and fill volume compared to the draft EIR. The design of the building, and therefore appropriate earthwork volumes, had not been completed at the time of issuance of the original DEIR (November 2005). The sum of the cut and fill numbers for The Shores Project is well below the allowable limit of 100,000 cubic yards of earth movement, which is the County's zoning threshold for triggering an "off-site grading" Conditional Use Permit. The geotechnical report by URS, dated May 8, 2001, did not find any contaminated soil at the project site and therefore no contaminated soil is expected to be exported. This geotechnical report has been available to the public for review as part of the November 2005 draft EIR (Appendix 5.1). Gravel, one of the building materials that will be imported to the site, has been recommended by URS since 2001 (Appendix 5.1a of the draft EIR), is a better material for use in the type of construction involved here than sand (sand has less water-holding capacity than gravel), and will be used as recommended in the geotechnical report approved the

County of Los Angeles, Department of Public Works. The expected volume of gravel required is approximately 10,000 cubic yards.

The County and the project's expert consultants are not familiar with any information that substantiates with the allegation that the Esprit I project is experiencing settlement. However, The Shores Project will be built on pile foundations, with garage slabs spanning between the pile caps, at elevations above the historic high water table elevation. This system has been designed by competent licensed geologists, geotechnical engineers, and structural engineers to meet the State of California and Los Angeles County design codes and requirements.

Response 7-6

This comment references the final grade of the project at the time construction has been completed. Although the Marina del Rey Specific Plan allows structures much taller than the proposed 75-foot building height, the applicant as designed the project to stay below the 75-foot height to avoid the building being classified as a high-rise structure. The building height above final grade could be lowered by excavating deeper, but this would require greater amounts of cut material to be exported off site, which the project proponent has specifically decided was undesirable. Regardless of the final grade for the parking garage or the bottom level of residential apartments, the County and project engineers find the buildings to be feasible.

Response 7-7

The commentator discusses the need for a "Master Plan" for the Marina del Rey development projects that have been proposed since the updated Marina del Rey Specific Plan was certified in 1996. The County has an effective Marina del Rey Local Coastal Program (certified LCP), a Major Amendment to which was last certified by the California Coastal Commission in 1996. The certified LCP serves as the master plan that guides and strictly regulates all development activities in County unincorporated Marian del Rey. The subject project has been designed in full conformity with the density, building height, massing, and other development parameters of the effective certified LCP. This fact notwithstanding, this is not a matter germane to the export of excess cut material associated with The Shores Project for which the subject DAEA has been prepared and circulated; therefore no further response is required or warranted.

Response 7-8

The commentator again asks the rhetorical question of why the DAEA was limited in scope to the environmental impact analysis associated with the exporting the excess cut materials from the project site. As mentioned above in Response Z-1, the project EIR was found by the court to be in compliance with CEQA, with the single exception of depriving the public with meaningful opportunity to review and

comment on the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from the construction of The Shores Project.

Response 7-9

The commentator recommends an alternative that rehabilitates the existing apartment structures as a way of protecting the public trust and as part of a comprehensive planning effort. This alternative (**Alternative 3: Rehabilitation of Existing Structures**) was analyzed in the draft EIR and was given careful consideration in the previous approval process. The draft EIR alternative analysis was found to be in compliance with CEQA and no further analysis is required for the County to consider in order to make a decision on the proposed project.

The Board of Supervisors is aware of their obligations to protect the public trust and evaluate this duty in their decision-making responsibilities. The County Departments of Beaches and Harbors and Regional Planning do undertake a comprehensive planning approach in considering and evaluating the upgrading of the marina and the individual projects and their associated impacts that will be the future of the marina.

From: Libbe Murez [mailto:mslib@ca.rr.com]
Sent: Thursday, November 13, 2008 8:00 AM
To: Tripp, Michael
Subject: FW: The Shores Project.Project #R2005-00234/Judy please edit.

Libbe Murez
3852 Via Dolce
Marina del Rey, Ca 90292
310-578-7000

November 13, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

Re: The Shores Project , Project #R2005-00234

I have been a resident of Marina del Rey since 1970 and a home owner since 1976. It is harrowing to see the rampant development and ruination of this precious former paradise.

1

I shall not quote the statistics concerning the truck traffic causing pollution as well as gridlock. I shall not even mention what devastation all of the earth moving will surely cause to the environment. I know that you will be receiving much information as to the biproducts of this development.

2

I am merely asking the County to recirculate the Final EIR and try to remember the original plans for Marina del Rey when peaceful recreation was foremost in our minds.[Please recommend to the Board of Supervisors that they DENY approval of The Shores Project.

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Thank you for your consideration of this matter
Libbe Murez

Responses to Comment Letter from Libbe Murez; Dated November 13, 2008

Response 8-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This commentator continues about experiencing disheartenment from the development that has taken place since this individual became a resident of Marina del Rey. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 8-2

The commentator implies that the environmental impacts associated with the export of excess cut material will cause pollution, gridlock, and other unspecified environmental devastation. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is in no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill.

Response 8-3

The commentator requests that the final EIR be recirculated although no specific reason is indicated. The final EIR does not need to be recirculated because the court found the EIR to be in compliance with the California Environmental Quality Act (CEQA) except in the single instance of depriving the public with meaningful opportunity to review and comment on the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from the construction of The Shores Project. This DAEA represents the meaningful opportunity for the public to review and comment on the export of excess cut material.

Response 8-4

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

NANCY ROSENE ASSOCIATES
3502 Via Dolce
MARINA DEL REY, CA. 90292
E-MAIL: nancy@nancyrosene.com

November 14, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street
Room 1362
Los Angeles, CA 90012

RE: THE SHORES PROJECT, Project #R2005-00234-4)

Dear Mr. Tripp,

I am a homeowner and property owner of record for 3502 Via Dolce, Marina Del Rey, CA 90292 and a member of the Marina Strand Colony II Home Owners Association.

1

I am writing to reiterate my original objection to the planned "Shores Project" #R2005-00234-(4) in light of the Additional Environmental Analysis which discloses the need for removal of approximately 26,000 cubic yards of additional material (including hazardous materials) from the project site by earth hauler. The nearly 1,300 additional truck trips that would be required will have further significant and detrimental impact on the surrounding area in a number of ways.

2

- As already experienced with other construction projects in Marina Del Rey, the number of required trips estimated for these large earth hauling vehicles will exacerbate and compound the already congested, gridlocked streets in the surrounding area.
- As a result of this earth hauling operation, it is inevitable that dust, dirt and other debris (including hazardous materials) will be spilled onto streets and spread airborne throughout the surrounding neighborhood.
- The earth hauling operation will result in adverse diesel noise, vibration and exhaust emissions from the increase in required truck trips
- The failure in the original EIR to adequately evaluate an acceptable range of alternatives, e.g., an alternative that involves an overall reduction in project density which is potentially feasible, satisfies project objectives, and is potentially environmentally superior.
- The failure of the County to recirculate the EIR based on the addition of and change to the project objectives and the elaboration of the overall reduction in density alternative, ie., there is more information in the final EIR so it should be recirculated for public comment.

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- The approval of the project by the County despite existence of feasible alternatives, e.g., Alternative 3, Rehabilitation of Existing Structures and Alternative 4, Above Ground Parking.
- The County's Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of alternatives to the project.

Therefore, I urge the Department of Regional Planning to recommend to the Board of Supervisors to Deny approval of this project.

Thank you for your consideration of this matter.

Sincerely,



Nancy Rosene

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Responses to Comment Letter from Nancy Rosene Associates; Dated November 14, 2008

Response 9-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 9-2

The commentator expresses her opposition to The Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The geotechnical report by URS dated May 8, 2001 did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous material is expected to be exported.

Response 9-3

The commentator expresses concern about traffic congestion in the Marina del Rey area and the contribution of the truck traffic hauling the excess cut material to the Puente Hills Landfill. The existing residential uses and the vehicle trips associated with those uses will be eliminated once demolition, grading and construction commences on the project site. Because construction related truck trips will not exceed the number of trips generated by the project site's existing residential uses, project construction, including the number of truck trips required to export excess cut materials to Puente Hills Landfill, would result in a net reduction of vehicle trips compared to the trips generated by existing uses. The DAEA provides an analysis that concludes the project does not result in significant construction truck trip impacts, and the additional soil export trips do not change this conclusion or result in a new significant trip impact.

Response 9-4

This comment refers to the potential for air quality impacts associated with the earth hauling operation of the excess cut material to the Puente Hills Landfill. The draft EIR indicates that project grading would require the movement of 40,000 cubic yards of cut and 40,000 cubic yards of fill, i.e., 80,000 total cubic yards of cut and fill. As determined by more refined engineering and set forth in the final EIR, grading operations associated with the project would require 50,160 cubic yards of cut and 24,220 cubic yards of

fill equaling 74,380 total cubic yards of cut and fill, resulting in a net reduction in total on-site cut and fill volume compared to the draft EIR. As previously stated, the project would export approximately 25,940 cubic yards of export. No change was proposed pertaining to the graded area or the equipment used. The final EIR concludes that the incremental increase in air quality impacts associated with soil export would not substantially increase the severity of air quality impacts or cause new air quality impacts. The County recalculated the project construction air quality impacts based on the additional soil export truck trips and included the new calculations in the final EIR. The geotechnical report by URS dated May 8, 2001 was part of the November 2005 draft EIR (Appendix 5.1) and it did not find any contaminated soil at the project site and therefore no contaminated soil is expected to be exported.

Response 9-5

The commentator express the concern over “diesel noise,” vibration and exhaust emissions resulting from the trucks hauling excess cut material to be transported to the Puente Hills Landfill. With regard to noise impacts arising from soil export truck trips, the DAEA and final EIR reiterate the draft EIR conclusion that construction-related truck trips would result in a temporary significant noise impact. However, the noise analysis in the DAEA concludes the additional soil export trips represent only eight additional truck trips per hour over 40 days; consequently, these additional truck trips would not substantially increase the construction-related noise impact.

Response 9-6

The commentator references the alternatives analysis of the previously certified EIR, including a reduced-density alternative. In regard to that alternative, the County considered it in the draft EIR but rejected it from further evaluation. The draft EIR discussion provided the following:

“One alternative initially considered involved an overall reduction in project intensity. This alternative would have proposed a development of reduced scale and a corresponding reduction in use-related impacts (including noise and air quality impacts) as well as a reduction in the scale of structures that are proposed as part of The Shores Project. As planned, The Shores Project is consistent with policies defined in the Marina del Rey LUP, the Asset Management Plan pertaining to the recycling of Phase I Marina del Rey development, and applicable policies and development standards. Further, the project site is owned by the County of Los Angeles, which, through formal agreements, defines the intensity of development on site to the given lessee. As proposed, The Shores Project is 13 percent below the maximum development density. Lower density is inconsistent with contract provisions that require a given development intensity. For these reasons, density reductions were eliminated and project alternatives, identified in this EIR, focused on alternatives that considered redesigns of the proposed project.”

The County fully complied with CEQA in evaluating a reasonable range of alternatives, adopting comprehensive findings at both the Regional Planning Commission and the Board of Supervisors, and providing substantial evidence in the record to support these findings. The court agreed, finding the opponents' claims regarding inadequacy of the alternatives analysis to be without any merit. No further discussion of alternatives is therefore required.

Response 9-7

The commentator expresses the opinion that the County should have recirculated the entire EIR. It appears from this comment that the reason for this opinion is that the County's evaluation of project alternatives in the EIR is inadequate and that the EIR should be recirculated to make the discussion adequate. However, the court found the alternatives discussion was found to be in compliance with CEQA and recirculation for further alternatives evaluation is therefore not required.

While not the equivalent of a supplemental EIR as defined in the *State CEQA Guidelines* Section 15163, the DAEA contains information analogous to a supplemental EIR. As such, the DAEA contains only the information necessary to make the original EIR adequate for the project with the clarification on the unbalanced nature of the grading and the export of the excess cut material to the Puente Hills Landfill (*State CEQA Guidelines* Section 15163(b)).

Response 9-8

This comment is not clear as it states the fact that the County approved the project while analyzing a range of reasonable alternatives, as acknowledged in the draft and final EIR. The County acknowledges in the final EIR that the approved project is not the environmentally superior alternative and consequently provided a statement of overriding considerations as required by the *State CEQA Guidelines* Section 15093, determining that the benefits of the project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable.

Response 9-9

The commentator is of the opinion that the County's Statement of Overriding Considerations (SOC) established with the prior approval of The Shores Project is inadequate. The County respectfully does not concur with this conclusion nor did the judge deciding the adequacy of the SOC. The County considers the findings and SOC to be valid, especially with regard to the alternatives analysis.

Response 9-10

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

Michael Rosenfeld
4707 Via Dolce
Marina del Rey, California 90292
Telephone: 310 301-9500; Fax: 310 301-9592

November 12, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

RE: The Shores Project, Project #R2005-00234-(4)

Dear Mr. Tripp:

I am a homeowner and property owner of record for 3742 Via Dolce, Marina del Rey, CA 90292 and member of the Board of Directors of Marina Strand Colony II Home Owners Association.

I am writing to reiterate my original objection to the planned "Shores Project" Project #R2005-00234-(4) in light of the Additional Environmental Analysis which discloses the need for removal of approximately 26,000 cubic yards of additional material (including hazardous materials) from the project site by earth hauler. The nearly 1,300 additional truck trips that would be required will have a further significant and detrimental impacts on the surrounding area in a number of ways:

- As already experienced with other construction projects in Marina del Rey, the number required trips estimated for these large earth hauling vehicles will exacerbate and compound the already congested, gridlocked streets in the surrounding area.
- As a result of this earth hauling operation, it is inevitable that dust, dirt and other debris (including hazardous materials) will be spilled onto streets and spread airborne throughout the surrounding neighborhood.
- The earth hauling operation will result in adverse diesel noise, vibration and exhaust emissions (CO, CO₂, VOCs, NOx, SOx & PM) from the increase in required truck trips. In particular, VOCs and NOx exceed South Coast Air Quality Management District significance thresholds.

Since the Draft Additional Environmental Analysis fails to offer accurate, realistic and enforceable mitigation of these impacts, I urge the Department of Regional Planning to reject this document.

In addition, Marina Strand Colony II HOA currently is appealing parts of the Los Angeles County Superior Court ruling concerning the Shores Project. The basis of this appeal is as follows:

- The failure in the original EIR to adequately evaluate an acceptable range of alternatives, e.g., an alternative that involves an overall reduction in project density which is potentially feasible, satisfies project objectives, and is potentially environmentally superior.
- The failure of the County to recirculate the EIR based on the addition of and change to the project objectives and the elaboration of the overall reduction in density alternative, i.e., there is more information in the Final EIR so it should be recirculated for public comment.
- The approval of the project by the County despite existence of feasible alternatives, e.g., Alternative 3, Rehabilitation of Existing Structures and Alternative 4, Above Ground Parking.
- The County's Statement of Overriding Considerations is inadequate because it is based on an inadequate analyses of alternatives to the project.

Therefore, I urge the Department of Regional Planning to recommend denying approval of this project to the Los Angeles County Board of Supervisors . Thank you for your consideration.

Sincerely,

Michael Rosenfeld

Responses to Comment Letter from Michael Rosenfeld; Dated November 12, 2008

Response 10-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 10-2

The commentator expresses his opposition to The Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The geotechnical report by URS, dated May 8, 2001, did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous material is expected to be exported.

Response 10-3

The commentator expresses concern about traffic congestion in the Marina del Rey area and the contribution of the truck traffic hauling the excess cut material to the Puente Hills Landfill. The existing residential uses and the vehicle trips associated with those uses will be eliminated once demolition, grading and construction commences on the project site. Because construction-related truck trips will not exceed the number of trips generated by the project site's existing residential uses, project construction, including the number of truck trips required to export excess cut materials to Puente Hills Landfill, would result in a net reduction of vehicle trips compared to the trips generated by existing uses. The DAEA provides an analysis that concludes the project does not result in significant construction truck trip impacts, and the additional soil export trips do not change this conclusion or result in a new significant trip impact.

Response 10-4

This comment refers to the potential for air quality impacts associated with the earth hauling operation of the excess cut material to the Puente Hills Landfill. The draft EIR indicates that project grading would require the movement of 40,000 cubic yards of cut and 40,000 cubic yards of fill, i.e., 80,000 total cubic yards of cut and fill. As determined by more refined engineering and set forth in the final EIR, grading operations associated with the project would require 50,160 cubic yards of cut and 24,220 cubic yards of

fill equaling 74,380 total cubic yards of cut and fill, resulting in a net reduction in total on-site cut and fill volume compared to the draft EIR. As previously stated, the project would export approximately 25,940 cubic yards of export. No change was proposed pertaining to the graded area or the equipment used. The final EIR concludes that the incremental increase in air quality impacts associated with soil export would not substantially increase the severity of air quality impacts or cause new air quality impacts. The County recalculated the project construction air quality impacts based on the additional soil export truck trips and included the new calculations in the final EIR. The geotechnical report by URS, dated May 8, 2001, was part of the November 2005 draft EIR (Appendix 5.1) and it did not find any contaminated soil at the project site; therefore no contaminated soil is expected to be exported.

Response 10-5

The commentator express the concern over “diesel noise,” vibration and exhaust emissions resulting from the trucks hauling excess cut material to be transported to the Puente Hills Landfill. With regard to noise impacts arising from soil export truck trips, the DAEA and final EIR reiterate the draft EIR conclusion that construction-related truck trips would result in a temporary significant noise impact. However, the noise analysis in the DAEA concludes the additional soil export trips represent only eight additional truck trips per hour over 40 days; consequently, these additional truck trips would not substantially increase the construction-related noise impact. While it is correct that emissions generated during project construction would exceed the South Coast Air Quality Management District’s significance threshold for Voss and Knox, as this comment states, this is not new information because this was disclosed in the draft EIR (Section 5.4, Air Quality).

Response 10-6

The commentator states that the DAEA fails to offer accurate or realistic mitigation for the impacts referenced in the preceding comments (Comments 1-5), and for this reason, the project should be rejected. The DAEA examines only the environmental analysis associated with the export of excess cut material to the Puente Hills Landfill. The mitigation measures accompanying the original draft EIR for this project are still applicable and the project proponent will be required to implement those measures if the project is again approved by the County.

Response 10-7

The commentator makes the statement that the Marina Strand Colony II Homeowners Association is appealing the Superior Court decision. The comment references the alternatives analysis of the previously certified EIR, including a reduced-density alternative, as a basis for this appeal. In regard to that alternative, the County considered it in the draft EIR but rejected it from further evaluation. The draft EIR discussion provided the following:

“One alternative initially considered involved an overall reduction in project intensity. This alternative would have proposed a development of reduced scale and a corresponding reduction in use-related impacts (including noise and air quality impacts) as well as a reduction in the scale of structures that are proposed as part of The Shores Project. As planned, The Shores Project is consistent with policies defined in the Marina del Rey LUP, the Asset Management Plan pertaining to the recycling of Phase I Marina del Rey development, and applicable policies and development standards. Further, the project site is owned by the County of Los Angeles, which, through formal agreements, defines the intensity of development on site to the given lessee. As proposed, The Shores Project is 13 percent below the maximum development density. Lower density is inconsistent with contract provisions that require a given development intensity. For these reasons, density reductions were eliminated and project alternatives, identified in this EIR, focused on alternatives that considered redesigns of the proposed project.”

The County fully complied with CEQA in evaluating a reasonable range of alternatives, adopting comprehensive findings at both the Regional Planning Commission and the Board of Supervisors, and providing substantial evidence in the record to support these findings. The court agreed, finding the opponents’ claims regarding inadequacy of the alternatives analysis to be without any merit. No further discussion of alternatives is therefore required.

Response 10-8

The commentator expresses the opinion that the County should have recirculated the entire EIR. It appears from this comment that the reason for this opinion is that the County’s evaluation of project alternatives in the EIR is inadequate and that the EIR should be recirculated to make the discussion adequate. However, as the court found the alternatives discussion in the previously approved project EIR to be in compliance with CEQA; recirculation for further alternatives evaluation is therefore not required or warranted.

While not the equivalent of a supplemental EIR as defined in the *State CEQA Guidelines* Section 15163, the DAEA contains information analogous to a supplemental EIR. As such, the DAEA contains only the information necessary to make the original EIR adequate for the project with the clarification on the unbalanced nature of the grading and the export of the excess cut material to the Puente Hills Landfill (*State CEQA Guidelines* Section 15163(b)).

Response 10-9

This comment is not clear as it states the fact that the County approved the project while analyzing a range of reasonable alternatives, as acknowledged in the draft and final EIR. The County acknowledges in the final EIR that the approved project is not the environmentally superior alternative and consequently provided a statement of overriding considerations as required by the *State CEQA Guidelines* Section 15093,

determining that the benefits of the project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable.

Response 10-10

The commentator is of the opinion that the County's Statement of Overriding Considerations (SOC) established with the prior approval of The Shores Project is inadequate. The County respectfully does not concur with this conclusion nor did the judge deciding the adequacy of the SOC. The County considers the findings and SOC to be valid, especially with regard to the alternatives analysis.

Response 10-11

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

November 9, 2008

Regional Planning Department
Michael Tripp, Special Projects Section
320 West Temple Street, Room 1362
Los Angeles, CA 90012

Dear Mr. Tripp:

As a member of the Marina del Rey residential community, I wish to protest several features of the Additional Environmental Analysis for The Shores Project.

1


Thirteen hundred trips by enormous earth haulers will gridlock our streets, deposit excessive amounts of dust, dirt and hazardous materials in our neighborhood and drive us all mad with the diesel noise and vibration. Whether Via Marina is used or Via Dolce or both, and including Washington Blvd., the congestion will be horrific. Those who travel Lincoln find it is always congested; Washington is in peak hours; and the two streets adjacent to the project are but two lanes in each direction, heavily used by more than two thousand residents.

2

This project is excessive, massive and unreasonably dense. The underground parking and excessive hauling trips would not be necessary, were this project to be scaled back. The project could even be rehabilitated like The Tides with minimal disturbance to the large residential neighborhoods that surround it (I include the Silver Strand homes, as they will be affected by trucking and traffic and some of them, by noise). If buildings were upgraded inside and out, the developers could charge more money and neither developers nor residents would bear the onerous burden of removal and hauling of vast amounts of dirt and debris.

3

Yours truly,



Mrs. Lynne Shapiro
5100 Via Dolce #312
Marina del Rey CA 90292

NOV 12 2008

Responses to Comment Letter from Lynne Shapiro; Dated November 9, 2008**Response 11-1**

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. The comment expresses dissatisfaction with the draft Additional Environmental Analysis (DAEA). See below for responses to the specific comments.

Response 11-2

The commentator expresses her concern about the number of truck trips during the export of excess cut material from the project site. With regard to the additional truck trips generated by soil export, the final EIR discloses that exporting approximately 25,940 cubic yards of soil would require approximately 1,297 truck trips (each truck carrying approximately 20 cubic yards of soil) over a period of approximately 40 days (approximately 32 trips per day for 40 days). The draft EIR reports that the existing uses on the project site generate 800 daily vehicle trips, including 120 AM peak hour trips and 111 PM peak hour trips. The truck trips generated by soil export represent only approximately 4 percent of the 800 vehicle trips per day generated by the existing uses on the project site. No new significant impacts would occur as a result of the additional truck trips exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. An additional mitigation measure has been included that would require truck hauling operations to be limited to off-peak hours and the use of the designated haul routes (Mitigation Measure 5.6-3).

Response 11-3

The commentator expresses concern about the project design in relation to height and density. An alternative design that rehabilitates the existing apartment structures would avoid the need to export excess cut materials. This alternative (**Alternative 3: Rehabilitation of Existing Structures**) was analyzed in the draft EIR and was given careful consideration in the previous approval process. The draft EIR alternatives analysis was found by the court to be in compliance with CEQA; therefore no further analysis is required for the County to consider in order to make a decision on the proposed project. However, a “Rehabilitation of Existing Structures” alternative was determined by the applicant to be infeasible. First, the project architect indicates that building foundations and the existing framing would not support a third story and substantial structural improvements would be required. Second, sufficient land area is not present to provide for the number of parking spaces required by County codes. Last, existing contract provisions between the County and the applicant call for the physical removal of existing uses in approximately 16 years.

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

3716 VIA DOLCE
Marina Del Rey CA 90292
H. 310 823 7207
C 213 804 7181

RE: The Shores Project, Project #R2005-00234-(4)

Dear Mr. Tripp:

I am a homeowner and property owner of record for (your home number) Via Dolce, Marina del Rey, CA 90292 and member of the Marina Strand Colony II Home Owners Association.

I am writing to reiterate my original objection to the planned "Shores Project" Project #R2005-00234-(4) in light of the Additional Environmental Analysis which discloses the need for removal of approximately 26 000 cubic yards of additional material (including hazardous materials) from the project site by earth hauler. The nearly 1,300 additional truck trips that would be required will have a further significant and detrimental impact on the surrounding area in a number of ways:

- As already experienced with other construction projects in Marina del Rey, the number of required trips estimated for these large earth hauling vehicles will exacerbate and compound the already congested, gridlocked streets in the surrounding area.
- As a result of this earth hauling operation, it is inevitable that dust, dirt and other debris (including hazardous materials) will be spilled onto streets and spread airborne throughout the surrounding neighborhood.
- The earth hauling operation will result in adverse diesel noise, vibration and exhaust emissions from the increase in required truck trips
- The failure in the original EIR to adequately evaluate an acceptable range of alternatives, e.g., an alternative that involves an overall reduction in project density which is potentially feasible, satisfies project objectives, and is potentially environmentally superior.
- The failure of the County to recirculate the EIR based on the addition of and change to the project objectives and the elaboration of the overall reduction in density alternative, i.e., there is more information in the Final EIR so it should be recirculated for public comment.
- The approval of the project by the County despite existence of feasible alternatives, e.g., Alternative 3, Rehabilitation of Existing Structures and Alternative 4, Above Ground Parking.
- The County's Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of alternatives to the project.

Therefore, I urge the Department of Regional Planning to recommend to the Board of Supervisors to deny approval of this project.

Thank you for your consideration of this matter.

Sincerely,

Ronald Shapiro
Your Name

NOV 17 2008

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Responses to Comment Letter from Ronald Shapiro; Date received November 17, 2008

Response 12-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 12-2

The commentator expresses his opposition to The Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The geotechnical report by URS, dated May 8, 2001, did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous material is expected to be exported.

Response 12-3

The commentator expresses concern about traffic congestion in the Marina del Rey area and the contribution of the truck traffic hauling the excess cut material to the Puente Hills Landfill. The existing residential uses and the vehicle trips associated with those uses will be eliminated once demolition, grading and construction commences on the project site. Because construction related truck trips will not exceed the number of trips generated by the project site's existing residential uses, project construction, including the number of truck trips required to export excess cut materials to Puente Hills Landfill, would result in a net reduction of vehicle trips compared to the trips generated by existing uses. The DAEA provides an analysis that concludes the project does not result in significant construction truck trip impacts, and the additional soil export trips do not change this conclusion or result in a new significant trip impact.

Response 12-4

This comment refers to the potential for air quality impacts associated with the earth hauling operation of the excess cut material to the Puente Hills Landfill. The draft EIR indicates that project grading would require the movement of 40,000 cubic yards of cut and 40,000 cubic yards of fill, i.e., 80,000 total cubic yards of cut and fill. As determined by more refined engineering and set forth in the final EIR, grading operations associated with the project would require 50,160 cubic yards of cut and 24,220 cubic yards of

fill equaling 74,380 total cubic yards of cut and fill, resulting in a net reduction in total on-site cut and fill volume compared to the draft EIR. As previously stated, the project would export approximately 25,940 cubic yards of export. No change was proposed pertaining to the graded area or the equipment used. The final EIR concludes that the incremental increase in air quality impacts associated with soil export would not substantially increase the severity of air quality impacts or cause new air quality impacts. The County recalculated the project construction air quality impacts based on the additional soil export truck trips and included the new calculations in the final EIR. The geotechnical report by URS, dated May 8, 2001, was part of the November 2005 draft EIR (Appendix 5.1) and it did not find any contaminated soil at the project site; therefore no contaminated soil is expected to be exported.

Response 12-5

The commentator express the concern over “diesel noise,” vibration and exhaust emissions resulting from the trucks hauling excess cut material to be transported to the Puente Hills Landfill. With regard to noise impacts arising from soil export truck trips, the DAEA and final EIR reiterate the draft EIR conclusion that construction-related truck trips would result in a temporary significant noise impact. However, the noise analysis in the DAEA concludes the additional soil export trips represent only four additional truck trips per hour over 40 days; consequently, these additional truck trips would not substantially increase the construction-related noise impact.

Response 12-6

The commentator references the alternatives analysis of the previously certified EIR, including a reduced-density alternative. In regard to that alternative, the County considered it in the draft EIR but rejected it from further evaluation. The draft EIR discussion provided the following:

“One alternative initially considered involved an overall reduction in project intensity. This alternative would have proposed a development of reduced scale and a corresponding reduction in use-related impacts (including noise and air quality impacts) as well as a reduction in the scale of structures that are proposed as part of The Shores Project. As planned, The Shores Project is consistent with policies defined in the Marina del Rey LUP, the Asset Management Plan pertaining to the recycling of Phase I Marina del Rey development, and applicable policies and development standards. Further, the project site is owned by the County of Los Angeles, which, through formal agreements, defines the intensity of development on site to the given lessee. As proposed, The Shores Project is 13 percent below the maximum development density. Lower density is inconsistent with contract provisions that require a given development intensity. For these reasons, density reductions were eliminated and project alternatives, identified in this EIR, focused on alternatives that considered redesigns of the proposed project.”

The County fully complied with CEQA in evaluating a reasonable range of alternatives, adopting comprehensive findings at both the Regional Planning Commission and the Board of Supervisors, and providing substantial evidence in the record to support these findings. The court agreed, finding the opponents' claims regarding inadequacy of the alternatives analysis to be without any merit. No further discussion of alternatives is therefore required.

Response 12-7

The commentator expresses the opinion that the County should have recirculated the entire EIR. It appears from this comment that the reason for this opinion is that the County's evaluation of project alternatives in the EIR is inadequate and that the EIR should be recirculated to make the discussion adequate. However, the court found the alternatives discussion to be in compliance with CEQA and recirculation for further alternatives evaluation is therefore not required.

While not the equivalent of a supplemental EIR as defined in the *State CEQA Guidelines* Section 15163, the DAEA contains information analogous to a supplemental EIR. As such, the DAEA contains only the information necessary to make the original EIR adequate for the project with the clarification on the unbalanced nature of the grading and the export of the excess cut material to the Puente Hills Landfill (*State CEQA Guidelines* Section 15163(b)).

Response 12-8

This comment is not clear as it states the fact that the County approved the project while analyzing a range of reasonable alternatives, as acknowledged in the draft and final EIR. The County acknowledges in the final EIR that the approved project is not the environmentally superior alternative and consequently provided a statement of overriding considerations as required by the *State CEQA Guidelines* Section 15093, determining that the benefits of the project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable.

Response 12-9

The commentator is of the opinion that the County's Statement of Overriding Considerations (SOC) established with the prior approval of The Shores Project is inadequate. The County respectfully does not concur with this conclusion nor did the judge deciding the adequacy of the SOC. The County considers the findings and SOC to be valid, especially with regard to the alternatives analysis.

Response 12-10

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

Peggy Jo Tashima
3652 Via Dolce
Marina del Rey,
CA 90292

November 12,, 2008

Mr. Michael Tripp
Special Projects Department
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

RE: The Shores Project, Project #R2005-00234-(4)

Dear Mr. Tripp:

I am a homeowner and property owner of record for 3652 Via Dolce, Marina del Rey, CA 90292 and member of the Marina Strand Colony II Home Owners Association.

I am writing to reiterate my original objection to the planned "Shores Project" Project #R2005-00234-(4) in light of the Additional Environmental Analysis which discloses the need for removal of approximately 26,000 cubic yards of additional material (including hazardous materials) from the project site by earth hauler. The nearly 1,300 additional truck trips that would be required will have a further significant and detrimental impact on the surrounding area in a number of ways:

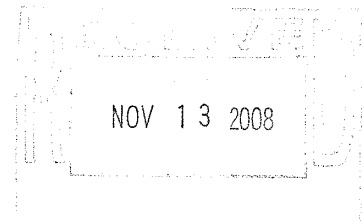
- As already experienced with many other construction projects in Marina del Rey, the number of required trips estimated for these large earth hauling vehicles will exacerbate and compound the already congested, gridlocked streets in the surrounding area.
- As a result of this earth hauling operation, it is inevitable that dust, dirt and other debris (including hazardous materials) will be spilled onto streets and spread airborne throughout the surrounding neighborhood.
- The earth hauling operation will result in adverse diesel noise, vibration and exhaust emissions from the increase in required truck trips.
- The failure in the original EIR to adequately evaluate an acceptable range of alternatives, e.g., an alternative that involves an overall reduction in project density which is potentially feasible, satisfies project objectives, and is potentially environmentally superior.
- The failure of the County to recirculate the EIR based on the addition of and change to the project objectives and the elaboration of the overall reduction in density alternative, i.e., there is more information in the Final EIR so it should be recirculated for public comment.
- The approval of the project by the County despite existence of feasible alternatives, e.g., Alternative 3, Rehabilitation of Existing Structures and Alternative 4, Above Ground Parking.
- The County's Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of alternatives to the project.

Therefore, I urge the Department of Regional Planning to recommend to the Board of Supervisors to deny approval of this project.

Thank you for your consideration of this matter.

Sincerely,

Peggy Jo Tashima



Responses to Comment Letter from Peggy Jo Tashima: Dated November 12, 2008

Response 13-1

This comment refers to the commentator residing in the Marina del Rey area and therefore has an interest in the proposed project. This is not a comment addressing the environmental issues associated with the export of excess cut material and no formal response is required.

Response 13-2

The commentator expresses her opposition to The Shores Project and expresses concern over the environmental impacts associated with the export of excess cut material. The draft Additional Environmental Analysis (DAEA) addresses the potential Solid Waste, Traffic, Air Quality, and Noise impacts associated with exporting to the Puente Hills Landfill approximately 25,940 cubic yards of soil during the construction phase of the project. The DAEA concludes that the contributions of exporting materials to the construction related impacts of the project are not significant and there is no change in the environmental conclusions analyzed in the final EIR (FEIR). No new significant impacts would occur as a result of exporting 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The geotechnical report by URS dated May 8, 2001 did not find any contaminated soil at the project site and therefore no contaminated soil or hazardous material is expected to be exported.

Response 13-3

The commentator expresses concern about traffic congestion in the Marina del Rey area and the contribution of the truck traffic hauling the excess cut material to the Puente Hills Landfill. The existing residential uses and the vehicle trips associated with those uses will be eliminated once demolition, grading and construction commences on the project site. Because construction related truck trips will not exceed the number of trips generated by the project site's existing residential uses, project construction, including the number of truck trips required to export excess cut materials to Puente Hills Landfill, would result in a net reduction of vehicle trips compared to the trips generated by existing uses. The DAEA provides an analysis that concludes the project does not result in significant construction truck trip impacts, and the additional soil export trips do not change this conclusion or result in a new significant trip impact.

Response 13-4

This comment refers to the potential for air quality impacts associated with the earth hauling operation of the excess cut material to the Puente Hills Landfill. The draft EIR indicates that project grading would require the movement of 40,000 cubic yards of cut and 40,000 cubic yards of fill, i.e., 80,000 total cubic yards of cut and fill. As determined by more refined engineering and set forth in the final EIR, grading operations associated with the project would require 50,160 cubic yards of cut and 24,220 cubic yards of

fill equaling 74,380 total cubic yards of cut and fill, resulting in a net reduction in total on-site cut and fill volume compared to the draft EIR. As previously stated, the project would export approximately 25,940 cubic yards of export. No change was proposed pertaining to the graded area or the equipment used. The final EIR concludes that the incremental increase in air quality impacts associated with soil export would not substantially increase the severity of air quality impacts or cause new air quality impacts. The County recalculated the project construction air quality impacts based on the additional soil export truck trips and included the new calculations in the final EIR. The geotechnical report by URS dated May 8, 2001 was part of the November 2005 draft EIR (Appendix 5.1) and it did not find any contaminated soil at the project site and therefore no contaminated soil is expected to be exported.

Response 13-5

The commentator express the concern over “diesel noise,” vibration and exhaust emissions resulting from the trucks hauling excess cut material to be transported to the Puente Hills Landfill. With regard to noise impacts arising from soil export truck trips, the DAEA and final EIR reiterate the draft EIR conclusion that construction-related truck trips would result in a temporary significant noise impact. However, the noise analysis in the DAEA concludes the additional soil export trips represent only eight additional truck trips per hour over 40 days; consequently, these additional truck trips would not substantially increase the construction-related noise impact.

Response 13-6

The commentator references the alternatives analysis of the previously certified EIR, including a reduced-density alternative. In regard to that alternative, the County considered it in the draft EIR but rejected it from further evaluation. The draft EIR discussion provided the following:

“One alternative initially considered involved an overall reduction in project intensity. This alternative would have proposed a development of reduced scale and a corresponding reduction in use-related impacts (including noise and air quality impacts) as well as a reduction in the scale of structures that are proposed as part of The Shores Project. As planned, The Shores Project is consistent with policies defined in the Marina del Rey LUP, the Asset Management Plan pertaining to the recycling of Phase I Marina del Rey development, and applicable policies and development standards. Further, the project site is owned by the County of Los Angeles, which, through formal agreements, defines the intensity of development on site to the given lessee. As proposed, The Shores Project is 13 percent below the maximum development density. Lower density is inconsistent with contract provisions that require a given development intensity. For these reasons, density reductions were eliminated and project alternatives, identified in this EIR, focused on alternatives that considered redesigns of the proposed project.”

The County fully complied with CEQA in evaluating a reasonable range of alternatives, adopting comprehensive findings at both the Regional Planning Commission and the Board of Supervisors, and providing substantial evidence in the record to support these findings. The court agreed, finding the opponents' claims regarding inadequacy of the alternatives analysis to be without any merit. No further discussion of alternatives is therefore required.

Response 13-7

The commentator expresses the opinion that the County should have recirculated the entire EIR. It appears from this comment that the reason for this opinion is that the County's evaluation of project alternatives in the EIR is inadequate and that the EIR should be recirculated to make the discussion adequate. However, the court found the alternatives discussion was found to be in compliance with CEQA and recirculation for further alternatives evaluation is therefore not required.

While not the equivalent of a supplemental EIR as defined in the *State CEQA Guidelines* Section 15163, the DAEA contains information analogous to a supplemental EIR. As such, the DAEA contains only the information necessary to make the original EIR adequate for the project with the clarification on the unbalanced nature of the grading and the export of the excess cut material to the Puente Hills Landfill (*State CEQA Guidelines* Section 15163(b)).

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This comment is not clear as it states the fact that the County approved the project while analyzing a range of reasonable alternatives, as acknowledged in the draft and final EIR. The County acknowledges in the final EIR that the approved project is not the environmentally superior alternative and consequently provided a statement of overriding considerations as required by the *State CEQA Guidelines* Section 15093, determining that the benefits of the project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable

Response 13-9

The commentator is of the opinion that the County's Statement of Overriding Considerations (SOC) established with the prior approval of The Shores Project is inadequate. The County respectfully does not concur with this conclusion nor did the judge deciding the adequacy of the SOC. The County considers the findings and SOC to be valid, especially with regard to the alternatives analysis.

Response 13-10

The commentator urges the Department of Regional Planning (DRP) to recommend denial of the proposed Shores Project to the Board of Supervisors. DRP staff has received this appeal and has provided the Board of Supervisors with the commentator's opinion. The Board will make a decision on the project based on evaluation of all of the information and testimony provided in the administrative record.

**ENVIRONMENTAL FINDINGS OF FACT and STATEMENT OF OVERRIDING
CONSIDERATIONS REGARDING THE FINAL ADDITIONAL
ENVIRONMENTAL ANALYSIS
(STATE CLEARINGHOUSE NUMBER 2005071080)
FOR “THE SHORES” APARTMENT COMMUNITY PROJECT
(COUNTY PROJECT NUMBER R2005-00234-(4))**

1. Except as may be expressly supplemented herein, the Board re-adopts and incorporates herein the environmental and CEQA-related findings—specifically, Finding Nos. 78 through 103—of the ***Findings of the Board of Supervisors and Order*** (pertinent portions of which are attached hereto as Exhibit A) and the ***Findings of Fact and Statement of Overriding Considerations*** (attached hereto as Exhibit B) previously adopted by the Board for the Shores Project.
2. On May 15, 2007, the Los Angeles County Board of Supervisors (“Board”) certified a Final Environmental Impact Report (“EIR”), adopted a Statement of Overriding Considerations, Environmental Findings of Fact, Mitigation Monitoring Program, and conditions of approval, and approved various land use entitlements for the rental apartment development known as The Shores, Project No. R2005-00234-(4), which is located in Marina del Rey.
3. On June 14, 2007, Marina Strand Colony II Homeowners Association (Marina Strand HOA”) filed a Petition for Writ of Mandate against the County, alleging that the County’s approval of The Shores Project violated the California Environmental Quality Act (“CEQA”).
4. On June 2, 2008, the Los Angeles Superior Court entered a judgment granting a peremptory Writ of Mandate ordering the County of Los Angeles to set aside its approvals of The Shores Project. The Writ was issued on June 4, 2008.
5. The Court ruled that the EIR did not comply with one of the California Environmental Quality Act procedures. Specifically, the Court found that the increase in the amount of solid waste earth material that will have to be hauled away from the project site constitutes significant new information which was added to the Final EIR after public notice was given of the availability of the Draft EIR for public review (distributed to the public on December 5, 2005), but before certification (certified December 13, 2006). According to the Court, unless this new information is circulated for public review, the public would be deprived of a meaningful opportunity to comment on the potential substantial adverse effect of this change (i.e., the 25,940 cubic yards of export) or to identify feasible ways to mitigate or avoid project related impacts. The Court found that the Final EIR did not discuss the effect of this amount of soil export on traffic in the area of the project site, air

quality in the area of the project site, or on solid waste that will be produced and hauled to a solid waste disposal site. The Court ruled that this constituted “significant new information” and remanded the matter to the County for “such further action as the County deems proper, so long as the County’s action is consistent with the decision of this Court.”

6. The Court determined that none of the other CEQA claims made by Marina Strand HOA in its Petition for Writ of Mandate “have any merit.”
7. On July 8, 2008, the Board approved a motion to:
 - i) Set aside the County’s approvals of The Shores Project, Project No. R2005-00234-(4), including but not limited to Coastal Development Permit Number RCDP200500002-(4), Parking Permit Number RPKP200500004-(4), and Variance Number RVAR200500004-(4);
 - ii) Set aside its adoption of the Statement of Overriding Considerations, Environmental Findings of Fact, Mitigation Monitoring Program, and conditions of approval for the Project;
 - iii) Set aside its certification of the EIR for the Project; and
 - iv) Direct the Department of Regional Planning to comply with the Court’s Order and CEQA by:
 - a. Preparing an additional analysis of the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from the construction of the Shores Project (the “Additional Environmental Analysis” or “AEA” interchangeably);
 - b. Circulating the AEA for public review and comment for a 45-day period;
 - c. Preparing responses to all public comments received; and
 - d. Duly noticing a public hearing with the Board to consider the following actions: certification of the Additional Environmental Analysis; adoption of any CEQA findings necessary to re-certify the EIR with the AEA; and re-approving the Shores Project—Project No. R2005-00234-(4), including but not limited to Coastal Development Permit No. RCDP200500002-(4); Parking Permit No. RPKP200500004-(4), and Variance No. RVAR200500004-(4).

8. An appeal by Marina Strand HOA and a Cross-Appeal by the County and the Applicant are pending in the California Court of Appeal. The Board finds that these pending appeals do not prevent the County from proceeding with AEA.
9. The Department of Regional Planning executed the Board's direction by the following actions:
 - i) Publishing and distributing a Notice of Preparation of the AEA on July 11, 2008, including delivery of the Notice of Preparation to officials of the Marina Strand HOA;
 - ii) Causing the AEA to be prepared;
 - iii) Publicly circulating the Draft Additional Environmental Analysis for public review and comment from October 2, 2008 to November 17, 2008;
 - iv) Collecting comments on the Draft AEA and preparing Responses to Comments; and
 - v) Providing notice of a public hearing on November 25, 2008 with the Board to consider certifying the Additional Environmental Analysis, consider adopting any CEQA findings necessary to re-certify the EIR with the AEA, and consider re-approving the Shores Project.
10. Prior to the November 25, 2008 public hearing on the AEA and the Shores Project, a legal notice was published in a local newspaper, *The Daily Breeze*, on October 24, 2008. On October 23, 2008, staff also mailed approximately 1,500 hearing notices to property owners and tenants within 500 feet of the subject property as well as to a number of interested parties outside of the 500-foot radius of the subject property.
11. At its November 25, 2008 meeting, the Board voted unanimously to continue, without discussion, the public hearing for this matter to its regularly scheduled December 16, 2008 meeting.
12. On December 16, 2008, the Board conducted a duly noticed continued public hearing on this matter to consider the following actions: certification of the Additional Environmental Analysis; adoption of any CEQA findings necessary to re-certify the EIR with the Additional Environmental Analysis; and intention to re-approve the Shores Project—Project No. R2005-00234-(4), including but not limited to the Coastal Development Permit No. RCDP200500002-(4); Parking Permit No. RPKP200500004-(4), and Variance No. RVAR200500004-(4). The Applicant for the Project Permits is Del Rey Shores Joint Venture and Del Rey Shores North Joint Venture (collectively “Applicant”).

13. The subject property is located at 4201 Via Marina in Marina del Rey (Marina del Rey Parcel Nos. 100 and 101). The Project site is bounded by Via Marina to the east, Dell Avenue (a private alley) to the west and Marquesas Way to the south. The property is located in the Playa del Rey Zoned District.
14. During the December 16, 2008 public hearing before the Board, a number of persons spoke either in favor of or in opposition to the Project and the subject Draft AEA. The Board also received letters and emails regarding the Draft AEA and/or Project during the 45-day public circulation period on the subject AEA, all of which have been incorporated by staff into the administrative record for the subject case.
15. The County Regional Planning Staff received written comments during the 45-day public circulation period of the Draft AEA from:
 - a. **Lynne Shapiro** (letter to Regional Planning staff dated November 9, 2008), who stated her objections to the Shores Project and subject Draft AEA and requested that the Board deny approval of the Project on the following grounds: 1) the Project would create additional haul truck trips that would adversely impact the surrounding area by compounding congestion on roadways that are already overly congested; 2) Project haul trucks will spill dust, dirt and other debris (including hazardous materials) onto local streets which would spread airborne throughout the surrounding neighborhood; 3) Project haul trucks would result in adverse diesel engine noise, vibration and exhaust emissions; 4) the Project is excessive, massive and unreasonably dense; and 5) the County should pursue rehabilitation of the existing structures in lieu of the proposed demolition and re-build of new apartments units.
 - b. **Laurence Falkin** (letter to Regional Planning staff dated November 11, 2008), **Peggy Jo Tashima** (letter to Regional Planning staff dated November 12, 2008), **Nancy Rosene** (letter to Regional Planning staff dated November 14, 2008), and **Ronald Shapiro** (letter to Regional Planning staff received November 17, 2008), all of whom stated their objections to the Shores Project and subject Draft AEA and requested that the Board deny approval of the Project on the following grounds: 1) the Project would create additional haul truck trips that would adversely impact the surrounding area by compounding congestion on roadways that are already overly congested; 2) Project haul trucks will spill dust, dirt and other debris (including hazardous materials) onto local streets which would spread airborne throughout the surrounding neighborhood; 3) Project haul trucks would result in adverse diesel engine noise, vibration and exhaust emissions; 4) the original Project EIR failed to adequately evaluate an acceptable range of alternatives (e.g., an alternative that involves an overall reduction in Project density); 5) the County failed to re-circulate the EIR based on the addition of and change to the Project

information in the FEIR, so the County should have thus re-circulated the entire Project EIR for public comment; 6) approval of the Project by the County despite existence of feasible alternatives (e.g., Alternative 3, "Rehabilitation of Existing Structures" and Alternative 4, "Above-Ground Parking") violates CEQA; and 7) the Statement of Overriding Considerations originally adopted by the County is inadequate because it is based on inadequate analyses of alternatives to the Project.

- c. **Michael Rosenfeld** (letter to Regional Planning staff dated November 12, 2008), objecting to the Shores Project and subject Draft AEA and requesting that the Board deny approval of the Project on the following grounds: 1) the Project would create 1,300 additional haul truck trips that would adversely impact the surrounding area by compounding congestion on roadways that are already overly congested; 2) Project haul trucks will spill dust, dirt and other debris (including hazardous materials) onto local streets which would spread airborne throughout the surrounding neighborhood; 3) Project earth hauling operations would result in adverse diesel engine noise, vibration and exhaust emissions (CO, CO₂, VOCs, NO_x, Sox & PM) from the increase in truck trips. In particular, VOCs and NO_x exceed South Coast Air Quality Management District thresholds; 4) the Draft AEA fails to offer accurate, realistic and enforceable mitigation of these impacts; 5) the original Project EIR failed to adequately evaluate an acceptable range of alternatives (e.g., an alternative that involves an overall reduction in Project density which is potentially feasible, satisfies Project objectives, and is potentially environmentally superior); 6) the County failed to re-circulate the EIR based on the addition of and change to the Project objectives and the elaboration of the overall reduction in density alternative (i.e., there is more information in the Final EIR so it should be re-circulated for public comment); 7) approval of the Project by the County despite existence of feasible alternatives (e.g., Alternative 3, "Rehabilitation of Existing Structures" and Alternative 4, "Above-Ground Parking") violates CEQA; and 8) the Statement of Overriding Considerations originally adopted by the County is inadequate because it is based on inadequate analyses of alternatives to the Project.
- d. **Libbe Murez** (email to Regional Planning staff dated November 13, 2008), requesting that the County re-circulate the FEIR and asking that the Board deny the Shores Project due to the additional haul truck trips and resulting traffic gridlock and pollution such truck trips will cause.
- e. **Daniel Henry Gottlieb** (email to Regional Planning staff dated November 13, 2008), objecting to the Shores Project and subject Draft AEA and requesting that the Board deny approval of the Project on the following grounds: 1) the Project would create approximately 1,300 additional haul truck round-trips that would have a detrimental impact on the surrounding area; 2) contrary to direction given by the Board to County staff at the July

8, 2008 Board hearing, County staff has failed to inform Mr. Gottlieb regarding the total amounts of earth moved on the construction site, the total amount of earth to be exported from and imported to the site, and the equivalence assumed between a heavy truck trip and a conventional car trip; 3) the Draft AEA contains misinformation and/or errors (at Section 4.1, page 4.0-1) regarding Project truck trip calculations; 4) the assumptions used in calculating the traffic impacts of large trucks versus standard cars are inaccurate in the Draft AEA and thus result in inaccurate calculations regarding the amount of export and import material involved in the Project; 5) "Additional Environmental Analysis" is an incorrect title for the subject environmental analysis; 6) because the Draft AEA does not contain total export and import figures of material on the construction site, it does not correctly analyze the off-site construction impacts, off-site truck noise, off-site air pollution, off-site health impacts, and the duration of time of off-site construction impacts; 7) because the Draft AEA does not report a correct total materials export figure for the Project, it does not correctly analyze landfill impacts; 8) because the Draft AEA does not correctly report the total amount of earth movement associated with the Project, on-site construction impacts associated with dust and particulate matter are also incorrectly reported in the document; 9) the gravel fill that will need to be installed below the building foundations will cause ground water to overflow toward the nearby condominiums to the west of the subject property and also overflow into the street gutters along Via Marina, which is a scenic roadway; 10) there is no mention of imported gravel in the Draft AEA or in the County's responses to the Draft AEA yet the importation of gravel is required for the Project; the Draft AEA is written in a manner that renders the document not easily readable or understandable to the lay public.

- f. **Daniel Christy** (letter to Regional Planning staff dated November 14, 2008), objecting to the Shores Project and subject Draft AEA and requesting that the Board deny approval of the Project on the following grounds: 1) the Project would create approximately 1,300 additional haul truck round-trips that would have a detrimental impact on the surrounding area; 2) contrary to direction given by the Board to County staff at the July 8, 2008 Board hearing, County staff has failed to inform Mr. Christy regarding the total amounts of earth moved on the construction site, the total amount of earth to be exported from and imported to the site, and the equivalence assumed between a heavy truck trip and a conventional car trip; 3) the FEIR (at page 3.0-58) implies an assumption that one truck is equivalent to one car; however, the Draft AEA (on page 1.0-2) admits that one truck is equivalent to two cars and a round-trip equals two trips. Thus any calculation based on the original assumptions will undervalue the amount of export and import material by a factor of four. In addition, the mitigations proposed in the Draft AEA will change the duration of the grading and thus the assumptions used in the calculations are inaccurate;

- 4) the Project's earth hauling operations will result in adverse diesel engine noise, vibration and exhaust emissions from the increase in required haul truck trips; 5) On-site construction impacts on health need the total amount of earth movement to estimate dust and particulate matter, yet the Draft AEA fails to accurately report the total amount of earth movement associated with the Project; 6) the total amounts of import, export, cut and fill play a role in estimating on-site construction noise, health impacts, air pollution, dewatering generator noise, polluted water runoff, yet the Draft AEA fails to accurately report these totals; 7) the original approved EIR failed to adequately evaluate an acceptable range of alternatives (e.g., an alternative that involves an overall reduction in Project density which is potentially feasible, satisfies Project objectives, and is potentially environmentally superior); 8) the County failed to re-circulate the EIR based on the addition of and change to the Project objectives and the elaboration of the overall reduction in density alternative (i.e., there is more information in the Final EIR so it should be re-circulated for public comment); 9) the County's adopted Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of alternatives to the Project; 10) approval of the Project by the County despite existence of feasible alternatives (e.g., Alternative 3, "Rehabilitation of Existing Structures" and Alternative 4, "Above-Ground Parking") violates CEQA; and 11) the County should have required re-circulation of the entire FEIR as opposed to the only the more limited-scope Draft AEA.
- g. **Nicole Cramer** (email to Regional Planning staff dated November 17, 2008), objecting to the Shores Project and subject Draft AEA and requesting that the Board deny approval of the Project on the following grounds: 1) the removal of the additional approximately 26,000 cubic yards of earth material from the Project site will cause a significant negative impact on Ms. Cramer's personal quality of life as well as that of other Marina del Rey community members; 2) local streets are already overly congested and the additional truck hauling trips will only make traffic congestion worse; 3) the original Project EIR failed to adequately evaluate an acceptable range of alternatives, including an overall reduction in Project density, which would be feasible, meet Project objectives and reduce environmental impact; 4) the County failed to re-circulate the EIR based on the addition of and change to the Project objectives and elaboration of the overall reduction in density alternative; and 5) the County's adopted Statement of Overriding Considerations is inadequate because it is based on inadequate analyses of the Project.
- h. **Robin Anderson** (email to Regional Planning staff dated November 17, 2008), objecting to the Shores Project and subject Draft AEA and requesting that the Board deny approval of the Project on the following grounds: 1) the additional truck hauling trips caused by the need to export

additional materials from the site will cause traffic delays and accidents on local streets; 2) the Project's underground parking will cause dangerous sink holes; the developer should rehabilitate the existing structures rather than build new apartments; 3) the County did not provide proper notice to local community residents regarding the need for the additional export of earth material from the site; 4) the additional export of earth material from the site will cause adverse impacts from diesel gas emissions and other air pollutants, noise pollution, and adverse vibration impacts from the heavy haul trucks; and 5) in the event of an emergency, there are insufficient hospital services in the area and the additional housing units created in the Project will only make this problem worse.

- i. **Michael Gold** (letter to Regional Planning staff dated November 17, 2008), objecting to the Shores Project and subject Draft AEA and requesting that the Board deny approval of the Project because the Project is too dense for local streets and other local infrastructure.
- j. **Nancy Vernon Marino** (letter to Regional Planning staff dated November 18, 2008), objecting to the Shores Project and subject Draft AEA and requesting that the Board deny approval of the Project in favor for Alternative 3 of the original FEIR (Rehabilitation of Existing Structures) on the following grounds: 1) County staff has withheld Project-related information from the public which the Board, at its July 8, 2008 meeting, had requested staff to provide to the public; namely, specific information on the different types of earth movement and vehicle equivalency assumptions; 2) County staff should not have closed the public comment period on the Draft AEA until it had provided the public the Project-related information that the Board had requested it provide the public regarding the different types of earth movement involved in the Project and vehicle equivalency (i.e., haul truck versus conventional car) assumptions; 3) the Draft AEA fails to report the total amounts of earth that will be moved within the Project, exported from the site and imported to the site; 4) the Draft AEA fails to disclose how much of the imported/exported earth exchange is remediation for contaminated soils on-site. Without this information, it is not possible to accurately Project levels of impacts, or assign appropriate mitigation measures or Project modifications; 5) the Draft AEA intentionally conceals information and understates the amount of earth material to be moved on the site as a result of the Project; 6) because the Draft AEA fails to make full disclosures on the pertinent facts regarding the amount of earth to be moved in the Project, and because the public has been deprived of the opportunity to sufficiently review and comment on the Draft AEA, the full EIR needs to be re-circulated; 7) the Draft AEA fails to fully assess the potential water runoff or other impacts that may be caused by installing gravel underneath the Project building foundations; 8) the County should undertake a Marina del Rey master

plan with a comprehensive EIR for all the planned projects rather than pursue a piecemeal, project-by-project development strategy.

16. As discussed in greater detail in the CEQA findings below, the Board has carefully considered all of the testimony and public comments (written and oral) presented to the County with regard to the Final EIR/AEA, and has also carefully reviewed each of the County's written responses to all public comments received during the public circulation period of the Draft AEA as set forth in the Final AEA, as well as verbal comments and responses during public hearings and testimony. The Board, therefore, finds that the public's testimony and correspondence fail to identify any substantial evidence that the Final EIR/AEA does not meet the requirements of CEQA, and fails to identify any substantial evidence requiring recirculation of the Final EIR/AEA pursuant to *State CEQA Guidelines* Section 15088.5. The Board further finds there is no credible evidence in the record that the supposed environmental impacts set forth in the public's testimony and correspondence will in fact occur, but there is credible evidence in the record rebutting such testimony and correspondence. The public commentators have offered no expert testimony or any evidence that they are experts or have any special expertise with respect to the subject matter of their testimony or correspondence. The Board further finds that such oral testimony and written correspondence do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment and which do not constitute substantial evidence.

CEQA Findings:

17. **Certification.** The Board hereby certifies "The Shores" Apartment Community Project Final Environmental Impact Report and Additional Environmental Analysis, State Clearinghouse Number 2005071080, which consists of the Draft EIR dated November 2005, Technical Appendices to the DEIR dated November 2005, the Final EIR, including Responses to Comments dated September 2006, the Draft Additional Environmental Analysis dated October 3, 2008 and the Final Additional Environmental Analysis inclusive of the public comments received during the public circulation period of the Draft AEA and Responses to Comments (all of the foregoing being collectively referred to as the "FEIR/AEA"), and finds that the FEIR/AEA has been completed in compliance with CEQA and consistent with the order of the Superior Court.
18. **Process of the AEA; Public Review pursuant to *State CEQA Guidelines* Sections 15087 & 15089.** A new Notice of Preparation (NOP) was prepared and circulated to required state agencies and interested parties on July 10,

2008. This process is consistent with the requirements of Section 15082 of the California Environmental Quality Act Guidelines. A copy of the NOP is presented in Appendix B of the Draft AEA. The Draft AEA was publicly circulated for review and comment from October 2, 2008 to November 17, 2008.

Written responses have been prepared to all comments received during the public comment period and have been incorporated into the Final AEA. The Final AEA, Revised Mitigation Monitoring Plan, and Environmental Findings were prepared and available to the public for review prior to a duly-notice public hearing of the Board of Supervisors on December 16, 2008.

The Board hereby finds that the public circulation and notice procedures for the draft and Final AEA comply with CEQA requirements.

19. **Summary of AEA.** The purpose of the subject Additional Environmental Analysis is to provide the public and agencies an opportunity to review and comment on this specific element of new Project information (i.e., the export and disposal of 25,940 cubic yards of excess cut material) and to provide this information to decision makers such that it can be considered prior to Project re-approval. No other modifications to information presented in the Final EIR are proposed.
20. Page 2.0-11 of the Final EIR, dated December 2006, states:

“As currently proposed, site excavation would require the movement of approximately 50,160 cubic yards of cut; 24,220 cubic yards of fill; and export of 25,940 cubic yards from the Project site. Excavation on the Project site would not be balanced.” Page 2.0-21 of the Final EIR, dated December 2006 (included as **Appendix C** of the Draft AEA), states, in part: “Due to changes in the area of site alteration, grading on the Project site is not balanced and that approximately 25,940 cubic yards of earth material would require export from the Project site. Excavation on the Project site is expected to require approximately 40 working days to complete. Given an assumption that earth haulers can carry approximately 20 cubic yards, approximately 1,297 truck trips would be required or approximately 64 additional truck trips/day, or 128 passenger car equivalent (pce) trips/day based on 16 pce trips/hour averaged over 40 working days.”
21. Project site grading and export of all excess earth material is anticipated to occur in 2009. A letter from the Puente Hills Landfill indicating the landfill will accept clean fill material from the Project site is included in the Draft Additional Environmental Analysis (Appendix A). A haul route is analyzed that follows a route from Via Marina north to Washington Boulevard,

Washington Boulevard east to Lincoln Boulevard, Lincoln Boulevard south to State Route 90, and local freeways east and south to the Puente Hills Landfill. The address of the Puente Hills Landfill is 13130 Crossroads Parkway, City of Industry, California 91746. A total round-trip distance of approximately 66 miles has been identified. The haul route is the same as that described on page 5.2-20 of the Draft EIR, dated November 2005.

22. Project impacts on local landfills during construction would occur in three phases. These phases include site demolition, site grading, and Project construction.
23. Demolition debris would total approximately 88,000 cubic yards (see page 5.7-15 of the Draft EIR). Demolition would require a two- to three- month period (see page 5.7-14 of the Draft EIR). During this time, wood would be delivered for recycling to the Downtown Diversion facility located in Los Angeles, while asphalt and concrete would be delivered for recycling to the LOVCO crushing facility in Wilmington. Other trash would be transported by local haulers to a number of approved environmentally acceptable disposal sites occurring in Los Angeles County.
24. Site grading is assumed to occur over a two-month period during which the export of 25,940 cubic yards of excess cut material would be transported to the Puente Hills Landfill. Soil export from all demolition and earthwork is anticipated to occur and be completed in 2009.
25. Project construction is expected to occur in 2009, 2010, and 2011. Project construction would be complete in approximately 25 months. During this time, approximately 4,576 cubic yards of construction debris would be generated (see page 5.7-14 of the Draft EIR) that would be collected by local haulers and transported to local landfills.
26. The subject Draft AEA summarized the existing conditions and technical background regarding solid waste disposal and the applicable plans and policies for solid waste disposal and reduction in the County. In addition, the Draft AEA analyzed and set forth the existing solid waste disposal capacity and protocols as well as a disposal capacity need analysis for the County. On this environmental baseline, the Draft AEA studied the potential solid waste, traffic, air quality, and noise impacts of Project demolition and construction grading.
27. With regard to potential solid waste impacts, the Draft AEA concludes:

“Based on the fact that the Puente Hills Landfill has the capacity to accept excess cut material generated during grading, the fact that the beneficial reuse program occurring at the Puente Hills Landfill has the capacity to receive the 25,940 cubic yards of earth materials generated

by Project grading activities, and the fact that clean dirt used as part of the beneficial reuse program is utilized for daily cover operations and does not count towards daily maximum refuse permitted at the landfill, disposal of an additional 25,940 cubic yards of excess cut material at the Puente Hills landfill would not impact this solid waste facility and is not considered significant. No mitigation measures are proposed or are required.”

28. With respect to potential traffic impacts, the Draft AEA concludes:

“The additional 64 daily trucks trips generated by soil export would affect local roadways in 2010 versus 2009. The traffic report prepared for the Draft EIR that was reviewed and approved by the Los Angeles County Department of Public Works indicates traffic volumes along the proposed haul route would increase by approximately 0.6 percent. As such, additional truck trips would not significantly alter Level of Service calculations defined on page 5.6-25 of the Draft EIR.”

29. With regard to potential air quality impacts, the Draft AEA concludes:

“The increased number of truck trips required to haul the 25,940 cubic yards of excavated soil to the Puente Hills Landfill would increase emissions associated VOC, NO_x, and SO_x but would not increase them substantially or alter conclusions defined in the Draft EIR. That document concluded that maximum daily emissions associated with construction of VOCs and NO_x exceeded the SCAQMD significance thresholds.

The maximum emissions associated with grading/excavation would be higher than those previously estimated in the Draft EIR for VOC, NO_x, and sulfur oxides (SO_x) primarily due to the emissions from the haul trucks. However, the daily emissions associated with grading/excavation for carbon monoxide (CO) and particulate matter less than 10 microns in diameter (PM₁₀) would be reduced compared to the Draft EIR analysis. In the Draft EIR, total Project construction emissions would exceed defined SCAQMD thresholds for VOC and NO_x. Revised air quality modeling for Project construction with soil export shows reductions in the emissions of some pollutants despite the additional emissions associated with the haul trucks. This difference reflects changes between the URBEMIS2002 and URBEMIS2007. Specifically, the emission rates and default operating hours for some construction equipment are lower based on improved

modeling of off-road equipment emissions and better information about construction practices, respectively.”

30. With respect to potential noise impacts, the Draft AEA concludes:

“Calculations prepared for the Final EIR (page 2.0-21 of the Final EIR, dated December 2006, in **Appendix C**) provides data supporting the determination that an additional 64 truck trips/day, or 128 pce trips/day based on 16 pce trips/hour necessary for the export of an additional 25,940 cubic yards of earth material would not exceed 83 to 88 dB(A), as defined in the draft EIR. It should be noted that the Draft and Final EIR’s concluded that (land) uses within 50 feet of the haul route could experience temporary noise events ranging from 83 to 88 dB(A), which exceeds County standards outlined above. Therefore, consistent with conclusions defined in the Draft EIR, dated November 2005 (in **Appendix C**), a temporary significant impact would result from trucks traveling to and from the Project site along the haul route during the projected buildout of the Project.

Mitigation measure were identified on pages 5.2-23 and 5.2-24 of the draft EIR, dated November 2005 (in **Appendix C**), to reduce impacts associated with noise during construction. These measures are listed below.”

31. **Adequacy of Scope of AEA.** The Court rejected every claim made by Marina Strand HOA except the claim that soil export during construction of the Project required additional analysis and public review.
32. The Court ordered the County to take “such further action as the County deems proper, so long as the County’s action is consistent with the decision of this Court.”
33. The County resolved to study all of the reasonably foreseeable impacts related to or arising from the export of approximately 25,940 cubic yards of soil during construction of The Shores Project. According to *State CEQA Guidelines* Section 15088.5(c): “If the revision [to the EIR] is limited to a few chapters of the EIR, the lead agency need only circulate the chapters or portions that have been modified.” Consequently, the AEA only revises, supplements, and recirculates those chapters of the Final EIR that have been modified. For the convenience of the public, the Draft AEA attached the Draft and Final EIR’s as an appendix in electronic format.
34. The Board finds that the scope of the AEA complies with the Court’s order, the requirements of CEQA, and adequately analyzes and discloses all

reasonably foreseeable environmental impacts related to or arising from the export of approximately 25,940 cubic yards of soil during construction of The Shores Project.

35. **Cumulative Impacts.** The Board finds that the export of approximately 25,940 cubic yards of soil during Project construction does not cause any new cumulative impacts or make substantially more severe the significant cumulative impacts identified in the Final EIR.
36. Operation of the Project would generate approximately 400 tons of solid waste per year for the life of the Project. This amount of solid waste does not result in a significant impact to landfill capacity; however, Los Angeles County landfill space has not been approved to accommodate all of the County's anticipated disposal needs beyond the year 2017. The operational life of the Project is expected to extend past 2017. Consequently, solid waste generated from operation of the Project in combination with the cumulative solid waste generation of all other projects in the County of Los Angeles may result in a cumulatively significant impact to landfill capacity if additional landfill capacity is not approved beyond 2017. Thus the significant cumulative solid waste impact identified in the Draft EIR relates to *operational* solid waste generation beyond 2017, not solid waste generated during construction.
37. The Board finds that, because the export of approximately 25,940 cubic yards of soil during construction of The Shores Project neither results in a Project-specific solid waste impact nor substantially increases the construction-related solid waste impacts identified in the Final EIR, the soil export analyzed in the AEA will not result in any reasonably foreseeable cumulative solid waste impact.
38. **Alternatives.** The Board finds that the study of the soil export during construction of the Project set forth in the AEA does not implicate Project alternatives set forth in the Final EIR and does not require any revision to the alternatives analysis in the Final EIR. The Board finds that no substantial evidence has been presented to the County showing that additional analysis of Project alternatives is warranted or required.
39. **Independent Judgment.** The Board further hereby certifies that it has received, independently reviewed and considered the information contained in the FEIR/AEA, the applications for and previous approvals of Project No. R2005-00234-(4), including but not limited to the Coastal Development Permit No. RCDP200500002-(4); Parking Permit No. RPKP200500004-(4) and Variance No. RVAR200500004-(4), all hearings, and submissions of testimony from officials, staff, and departments of the County, the Project applicant, the public and other municipalities and agencies, and all other pertinent information in the record of proceedings. Pursuant to Public

Resource Code § 21082.1(c)(3), the Board hereby finds that the FEIR/AEA reflects the independent judgment of the lead agency.

40. **Mitigation; Sections 15091 AND 15092 Findings.** The FEIR/AEA sets forth Mitigation Measures that shall be required or incorporated into The Shores Project through a Revised Mitigation Monitoring Plan (attached hereto as Exhibit C). The AEA restates Mitigation Measures 5.2-1 through 5.2-8 from the Final EIR, which measures reduce impacts associated with noise during construction. The AEA restates Mitigation measures 5.4-1 through 5.4-3 from the Final EIR, which measures incorporate the South Coast Air Quality Management District (“SCAQMD”) list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. In addition, the Draft AEA includes an additional mitigation measure 5.2-9 (preparation of a traffic control plan) to further reduce construction noise impacts, and mitigation measures 5.6-3 (limiting truck traffic to off-peak hours) and 5.6-4 (use of a flagman) to reduce impacts from construction traffic.
41. Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Board hereby makes findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:
 - a. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
 - b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - c. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing:

- d. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible; and
- e. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations set forth in the foregoing Statement of Overriding Considerations.

42. **Mitigation Monitoring.** Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by *State CEQA Guidelines* Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the Project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.
43. Concurrently with the adoption of these findings, the Board adopts the Revised Mitigation Monitoring Plan attached as Exhibit C to these findings. The Board hereby finds that the Revised Mitigation Monitoring Program, which shall be incorporated into the conditions of approval for The Shores Project, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.
44. **Recirculation.** Section 15088.5(a) of the *State CEQA Guidelines* states that a "lead agency is required to recirculate an EIR when significant new information is added after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before circulation."
45. Section 15088.5 of the *State CEQA Guidelines* also states:

"New information added to an EIR is not 'Significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect (including a feasible project alternative) that the Project's proponents have declined to implement. "Significant information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that

meaningful public review and comment were precluded.”

46. The Board finds that the Draft AEA appropriately and correctly concludes that exporting approximately 25,940 cubic yards of soil from construction of The Shores Project would not result in a new significant impact or a substantial increase in the severity of any impact disclosed in the Final EIR. The Board also finds that credible evidence in the record, including the solid waste, traffic, air quality, and noise analyses contained in the Draft AEA, fully addresses and analyzes the reasonably foreseeable environmental consequences exporting approximately 25,940 cubic yards of soil from construction of The Shores Project, and does not require or warrant recirculation of any other portions of the Draft EIR or Final EIR.
47. Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Board finds that no substantial evidence in the record shows that a feasible Project alternative or mitigation measure considerably different from others previously analyzed exists that would clearly lessen the significant environmental impacts of the Project.
48. Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Board finds that no substantial evidence in the record shows that the FEIR/AEA is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment has been precluded.
49. **State CEQA Guidelines Section 15093--Statement of Overriding Considerations.** The Board hereby re-adopts the Statement of Overriding Considerations set forth in Section 6 of the ***Findings of Fact and Statement of Overriding Considerations*** (attached hereto as Exhibit B) previously adopted by the Board for The Shores Project and Finding 102 of the ***Findings of the Board of Supervisors and Order*** adopted by the Board for The Shores Project (pertinent portions of which are attached hereto as Exhibit A), and supplements those findings as follows:
 - a. The AEA shows that the export of approximately 25,940 cubic yards of soil during construction of The Shores Project does not result in any new significant impacts as compared to the Final EIR and does not result making more severe any of the significant impacts previously disclosed in the Final EIR. The FEIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the FEIR/AEA, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on noise, air quality and unavoidable significant cumulative impacts

on traffic and solid waste disposal, as identified in Section 2 of the ***Findings of Fact and Statement of Overriding Considerations*** adopted by the Board for the Shores Project (reference Exhibit B attached hereto).

- b. Having balanced the benefits of the Project against the Project's potential unavoidable significant adverse impacts, the Board hereby determines that the benefits of the Project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the overriding considerations set forth in Section 6 of the ***Findings of Fact and Statement of Overriding Considerations*** adopted by the Board for The Shores Project (reference Exhibit B attached hereto) and Finding 102 of the ***Findings of the Board of Supervisors and Order*** adopted by the Board for The Shores Project (reference Exhibit A attached hereto).

- 50. **Custodian of Records.** The custodian of the documents or other material which constitute the record of proceedings upon which the Regional Planning Commission's decision is based is the Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.
- 51. **Relationship of Findings to FEIR/AEA.** These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the FEIR/AEA, on the one hand, and these findings, on the other, these findings shall control and the FEIR/AEA, as the case may be, are hereby amended as set forth in these findings.
- 52. Pursuant to *State CEQA Guidelines* Section 15092, the Board of Supervisors finds and certifies that the mitigation measures for the Project are feasible and all significant effects on the environment have been eliminated or substantially lessened where feasible.

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
COASTAL DEVELOPMENT PERMIT NUMBER 200500002-(4)
PARKING PERMIT NUMBER 200500004
VARIANCE NUMBER 200500004**

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on Coastal Development Permit No. 200500002-(4), Parking Permit No. 200500004, and Variance No. 200500004 (collectively, the "Project Permits") on March 6, 2007. This hearing was conducted *de novo* by the Board in response to two appeals filed in protest to the Regional Planning Commission's December 13, 2006, approval of the Project Permits. The Applicant for the Project Permits is Del Rey Shores Joint Venture and Del Rey Shores North Joint Venture ("Applicant").
2. Coastal Development Permit No. 200500002-(4) authorizes the Applicant to demolish the existing 202-unit "Del Rey Shores" apartment complex and all parking, landscaping, private recreation, and other appurtenant facilities developed on the subject property, and to subsequently construct on the subject property a 544-unit apartment complex (to include, for a period of no less than 30 years from the initial date of legal occupancy of the project, Applicant's provision of 37 units solely designated for occupancy by moderate-income households and 17 units solely designated for occupancy by very low-income households, as such households are respectively defined in sections 50093 and 50105 of the California Health and Safety Code) with appurtenant on-site parking, landscaping, and private recreation facilities.
3. Parking Permit No. 200500004 authorizes the Applicant to provide compact parking for a portion of the on-site apartment parking.
4. Variance No. 200500004 authorizes the installation of sign area in excess of the applicable requirements for same codified in Section 22.46.1060.D of the Los Angeles County Code ("County Code").
5. The subject property is located at 4201 Via Marina in Marina del Rey (Marina del Rey, Parcel Nos. 100 and 101). The project site is bounded by Via Marina to the east, Dell Avenue (a private alley) to the west, and Marquesas Way to the south. The property is located in the Playa del Rey Zoned District.
6. The subject property is located on level terrain in a highly urbanized area devoted primarily to multi-family residential use.
7. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program ("LCP"). This corresponds to a designation of "Residential V."
8. Zoning on the surrounding properties consist of the following:

North: Residential V (per Marina del Rey Specific Plan);
South: City of Los Angeles zoned property;
West: City of Los Angeles zoned property; and
East: Residential IV and Open Space (per Marina del Rey Specific Plan).

9. A 202-unit apartment complex currently exists on the subject property.

10. Land Uses on surrounding properties consist of the following:

North: Multi-family residential;
South: Multi-family residential and the Venice Canal;
West: Multi- and single-family residential; and
East: Multi-family residential, visitor-serving commercial, and beach.

11. Three plot plan cases were previously filed on the subject property; two under the same project number, as follows:

Plot Plan 16912

Applicant: Del Rey Shores North.

Description: Plot plan to authorize development on northerly parcel. The plot plan was approved April 29, 1968.

Plot Plan 27118

Applicant: Del Rey Shores.

Description: Plot plan to authorize car ports. Plot plan was approved February 20, 1975.

Plot Plan 27118

Applicant: Del Rey Shores.

Description: Plot Plan to authorize an office manager's apartment. Plot plan was approved October 30, 1984.

12. The Applicant's approved site plan depicts a 544-unit apartment consisting of 12 buildings 75-feet in height, five stories of apartments over two levels of parking. Architectural features extend approximately 25 feet above the roofline in select locations.

13. The primary entrance to the apartment complex fronts Panay Way and Via Marina. Tenant parking takes access off Dell Avenue to the rear of the structure through three ramps; tenant parking has gated access. The two levels of parking include one subterranean level. A minimum of 1,088 parking spaces will be provided throughout the project. Pursuant to the approved Parking Permit for the project, 328 of these spaces are allocated to compact parking. One hundred thirty-six spaces are allocated as guest parking spaces and 18 spaces are allocated for persons with disabilities, consistent with the County Code requirements.
14. The certified Marina del Rey Local Coastal Program ("certified LCP") provides development guidelines for the unincorporated community of Marina del Rey. The certified LCP consists of two sets of inter-related requirements: The Marina del Rey Land Use Plan (land use policies) and the Local Implementation Program or Specific Plan (development-specific requirements).
15. The subject property is designated "Residential V" in the Marina del Rey Land Use Plan, which designation allows for residential densities of up to 75 dwelling units per net acre and a maximum building height of 225 feet. With an approved density of approximately 65 dwelling units per acre, the approved development is well under the maximum density prescribed for the subject property in the certified LCP. Likewise, with a maximum building height of approximately 75 feet (excluding architectural elements which will extend beyond the roofline in select locations by an additional approximately 25 feet), the approved project is well under the maximum building height limitation of 225 feet established for the subject property in the certified LCP.
16. The certified LCP separates Marina del Rey into 14 "Development Zones" for the purposes of allocating future development potential. The subject Parcels 100 and 101 are located within Development Zone 12 ("Via Marina Development Zone") per the certified LCP. Prior to approval of this project, the Via Marina Development Zone had an available development allocation of 530 additional dwelling units, 30,000 square feet of additional visitor-serving commercial use, and 340 additional restaurant seats. Because the approved project proposes a net increase of 342 dwelling units on the site (i.e., 544 proposed units – 202 existing units = net increase of 342 units), the approved project is consistent with the available residential development allocation of the Via Marina Development Zone. With approval of this project, the Via Marina Development Zone will have a remaining residential development allocation of 188 dwelling units (i.e., 530 allocated units – 342 net new units in subject project = 188 remaining dwelling units in the Development Zone).
17. The Marina del Rey Specific Plan lists "Multi-Family dwellings no more than 75 dwelling units per acre" as the principal permitted use of the Residential V land use category (LACC 22.46.1310.A). The approved development is a multi-family dwelling complex with a density of approximately 65 dwelling units per

acre. As such, in accordance with the certified LCP, the approved development is a conforming principal permitted use per the subject property's Residential V land use designation.

18. Section 22.46.1330 of the County Code specifies development standards for all uses in the subject Residential V category. Applicable requirements are listed as follows:

Height: Building height is limited to a maximum of 225 feet.

As noted, the approved apartment is 75 feet in height. Architectural features in select locations on the roof are approximately 25 additional feet above the roof line. Regardless, with the overall height of 100 feet, which includes the architectural ornamentation, the proposed development is well below the maximum height of 225 feet and is thus in full compliance with the applicable building height standard.

Density: Dwelling Unit Density shall not exceed 75 units per acre.

The approved project provides 544 dwelling units on 8.31 acres. This amounts to a project density of 65 units per acre. Project density thus complies with the applicable density standard.

Setbacks: Front and rear yard setbacks shall be a minimum of 10 feet in addition to the required highway and promenade setback. Side yard setbacks shall be a minimum of five feet.

As shown on the approved site plan (Exhibit "A"), front, rear, and side yard setbacks for the project are in excess of the above-described setback minimums.

19. According to Section 22.46.1060.A of the County Code, landscaping shall be provided to prevent erosion. The Applicant has provided sufficient landscaping within the central courtyard of the site and along the boundaries and edges facing abutting public streets (i.e., Via Marina to the east and Marquesas Way to the south) and/or private alleys (i.e., Dell Avenue to the west and Admiralty Loop to the north).
20. Section 22.46.1060.B of the County Code stipulates that lot/building coverage may not exceed 90 percent of net lot area, and requires that a minimum of 10 percent of the net lot area be landscaped. Lot coverage for the approved project is approximately 38 percent of the site. Moreover, landscaping consumes approximately 25 percent of the site. In both cases, the approved site plan is sufficiently over minimum required standards.
21. Section 22.46.1180 of the County Code requires that an application for new development shall provide the following information:

- A. Protection and Enhancement of Shoreline Access and Views: This requirement is intended for shoreline development, located between the shore and the first public road, to ensure that visitors have adequate visual and shoreline access. As the project is located westerly of Via Marina, this requirement is not applicable;
 - B. Wind Study: A Wind Study was conducted by RWDI, Inc., dated March 30, 2005. The analysis concluded that the proposed project would not significantly affect wind conditions in Marina del Rey;
 - C. Avoidance and Mitigation of Geologic/Geotechnical Hazards: The certified Environmental Impact Report for the project analyzed potential impacts from Geologic/Geotechnical Hazards; these were determined to be less than significant;
 - D. Protection of Cultural Heritage Resources: An apartment building has already been established on-site. The Initial Study concluded that the proposed project would not result in any potential cultural impacts;
 - E. Avoidance and Mitigation of Flood Control Hazards: Hydrology impacts were analyzed in the certified Environmental Impact Report. Mitigation measures including Best Management Practices were recommended. With mitigation, the project impacts were determined as less than significant;
 - F. Protection of Gas Company Facilities: The project does not pose any impacts to Gas Company Facilities; and
 - G. Conformance with Development Phasing Plan: The project will generate a net increase of 342 units. Section 22.46.1910 of the County Code allocates 530 dwelling units to the Via Marina Development Zone (Zone 12). As noted, no increases in dwelling units have occurred in Development Zone 12 since the certification of the Marina del Rey Local Coastal Program. The project's increase in dwelling units on the subject property is thus within the specified limits.
22. Sections 22.46.1090 and 22.46.1100 of the County Code and the Marina Land Use Plan ("LUP") require, among other things, that the Applicant demonstrate that there is sufficient traffic capacity in both the internal Marina del Rey road system and the subregional highway system serving the Marina to accommodate project traffic. The certified Environmental Impact Report for the project includes a traffic analysis that was prepared in accordance with the requirements of the LCP and LUP, and which shows that there is adequate internal and subregional traffic capacity and which identifies the mitigation for the project's significant direct and cumulative traffic impacts:

- A. Direct Traffic Mitigation. The subject project would be required to pay \$631,590 in trip mitigation fees, \$176,712 of which will go toward Category 1 transportation improvements, and \$454,878 of which will go toward Category 3 transportation improvements. The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the Applicant's payment of the above-described fee over the partial construction by the Applicant of portions of the TIP roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite construction in order to mitigate all of the project's significant direct traffic impacts on the internal circulation system prior to project occupancy, the Environmental Impact Report recommends the following measure:
- i. Lincoln Boulevard & Mindanao Way - The Applicant shall widen Lincoln Boulevard, and relocate and narrow the exiting median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey Local Implementation Program.
- B. Mitigation of Cumulative Impacts on the Subregional Traffic System. The subject project would be required to pay \$631,590 in trip mitigation fees, \$176,712 of which will go toward Category 1 transportation improvements, and \$454,878 of which will go toward Category 3 transportation improvements. The Project will also contribute (beyond the required LCP funds) its fair share amount to a new traffic signal at the modified Washington Boulevard/Palawan Way intersection. The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, Applicant's payment of the above-described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements. However, should the County Director of Public Works decide that is necessary to expedite construction in order to assure that the mitigation occurs in phases coinciding with new development in Marina del Rey, the following measures are recommended to reduce the significant project traffic impact identified in the traffic study prepared for this project to less than significant levels:
- i. Admiralty Way and Via Marina - Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a "through roadway," with Via Marina intersecting into Admiralty Way in a "tee" configuration. All turning movements at the intersection

will be constructed as dual-or right-turning movements. This improvement is identified in the Marina del Rey TIP and will enhance flow within the Marina;

- ii. Admiralty Way and Palawan Way - Restripe the southbound approach to convert the through lane into a left/through shared lane; restripe the northbound approach to provide an exclusive right-turn only lane, in addition to a shared left-turn/through lane. This improvement is currently being investigated by the County for implementation as a new TIP-type measure, funded by fair-share contributions by projects within Marina del Rey. Also, add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way, as identified in the TIP;
- iii. Lincoln Boulevard and Mindanao Way - In addition to the project-specific mitigation improvement described earlier (installation of a northbound right-turn only lane), restripe Lincoln Boulevard at Mindanao Way to provide dual left-turn lanes in the southbound direction. This improvement may require additional widening along southbound Lincoln Boulevard. Acquisition of additional rights-of-way to implement this improvement could be funded through payment of the applicable Marina del Rey traffic impact assessment fees described earlier;
- iv. Lincoln Boulevard and Fiji Way - Widen the eastbound Fiji Way approach to Lincoln Boulevard to provide an additional left-turn lane at Lincoln Boulevard. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey LIP; and
- v. Admiralty Way and Mindanao Way - Widen northbound Admiralty Way to provide a right-turn lane at Mindanao Way. Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way. In addition, modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way and has already been approved as part of a previous project (Marina Two).

The certified Environmental Impact Report also identified improvements that would mitigate cumulative traffic impacts at the five impacted intersections that are not entirely located in the County's jurisdiction and control. If the County, the City of Los Angeles, and Caltrans agree on a funding mechanism to implement the recommended traffic improvements

at these five intersections prior to building occupancy, the Applicant, where appropriate, will pay its fair share of required transportation improvements.

23. Prior to the public hearing on the Project Permits and associated Draft Environmental Impact Report ("DEIR") before the Regional Planning Commission ("Commission"), a legal notice was published in the local newspaper, *The Argonaut*, on December 1, 2005. On December 7, 2005, staff also mailed 1,798 hearing notices to property owners and tenants within 500 feet of the subject property, and to interested parties. The Applicant posted a hearing notice sign on the subject property prior to 45 days in advance of the public hearing before the Commission.
24. The Commission held a duly noticed initial public hearing on the Project Permits and associated DEIR on January 25, 2006, which hearing was successively continued by the Commission to March 1, 2006, April 19, 2006, and June 7, 2006. At the conclusion of the June 7, 2006 public hearing, after its thorough consideration of all of the written evidence and verbal testimony received over the course of the public hearing, the Commission voted to close the public hearing, expressed its intent to approve the Project Permits, and directed staff to prepare draft findings and conditions and the Final Environmental Impact Report ("FEIR") for its consideration. On December 13, 2006, the Commission voted to certify the FEIR for the project and approve the final findings and conditions for the Project Permits.
25. During the public hearing for the Project Permits before the Commission, a number of persons spoke both in favor of and in opposition to the project. The Commission also received a number of letters and emails both in favor of the project and against the project, each of which has been incorporated by staff into the administrative record for the subject case.
26. Written correspondence and verbal testimony presented to the Commission in favor of the project generally focused on the need to redevelop the aging leasehold in order to infuse needed contemporary high-quality apartments into the local housing market; that the project is wholly compliant with the various development regulations of the certified LCP; that the project's environmental review was conducted in strict conformance with the California Environmental Quality Act ("CEQA"); and that the project's on-site provision of affordable housing units, as ultimately proposed (i.e., 37 moderate-income "replacement" units and 17 very low-income "inclusionary" units), is wholly consistent with California Government Code sections 65590 and 65590.1 (the State "Mello Act")
27. Written correspondence and verbal testimony presented to the Commission in opposition to the project generally focused on the alleged negative environmental consequences the project would cause to the local community (e.g., increased traffic on local streets and other infrastructure impacts; proposed height and mass of the apartment building are out-of-character with surrounding

development; and the alleged negative shade, air circulation and visual impacts the project would cause to nearby condominium residents to the west of the project site); alleged violations of CEQA that would occur with approval of the project; and the project's alleged inconsistency with the Mello Act.

28. The two appeals of the Commission's approval of the Project Permits were filed by:
- A. Legal Aid Foundation of Los Angeles and the Western Center on Law & Poverty (hereinafter collectively referred to as "POWER's representatives"), on behalf of People Organized for Westside Renewal ("POWER"); and
 - B. Richard I. Fine, Esq. (hereinafter referred to as "the HOA's representative"), on behalf of the Marina Strand Colony II Homeowners' Association.

The subject appeals were filed in compliance with the appeal procedures codified in Part 5 of Chapter 22.60 of the County Code.

29. The proposed development is subject to the Mello Act, which provides, in pertinent part, that, within the coastal zone: (a) the demolition of existing residential dwelling units occupied by persons and families of low- or moderate-income shall not be authorized unless a provision has been made for the replacement of those dwelling units for persons of low- or moderate-income (i.e., "affordable replacement" dwelling units); and (b) new housing developments shall, where feasible, provide housing units for persons and families of low- or moderate-income (i.e., "affordable inclusionary" dwelling units).
30. In 2002, the Board adopted the Mello Act Affordable Housing Policy-Marina del Rey ("2002 Policy"), which requires developers to provide 10 percent of a project's units as low-income affordable inclusionary units. The 2002 Policy allows developers to pay a fee in lieu of providing affordable inclusionary units in cases where: (a) the developer demonstrates that the provision of affordable inclusionary units on-site would make the project infeasible; and (b) there is no means for the County to make economic concessions to accommodate the affordable inclusionary units on-site.
31. In accordance with the 2002 Policy, the Applicant originally proposed to pay an in-lieu fee of approximately \$3.6 million. The 2002 Policy, which was in place four years ago when the Applicant first signed a term sheet with the County for the subject project, reflected County public policy priorities and objectives at that time.
32. The first public hearing session for the Project Permits before the Commission, on January 25, 2006, provided an opportunity for the County to reassess the

2002 Policy. Since the Board's adoption of the Policy in 2002, the County's public policy priorities had shifted toward requiring the provision of affordable housing on-site in new housing projects within Marina del Rey.

33. On April 4, 2006, the Board adopted a motion instructing the Chief Administrative Officer to form and lead a task force comprised of the Department of Regional Planning ("DRP"), Community Development Commission ("CDC") and County Counsel, working in conjunction with the Department to Beaches and Harbors ("DBH"). The purpose of this Affordable Housing Task Force for Marina del Rey ("Task Force") was to review the 2002 Policy and recommend revisions necessary to ensure compliance with the Mello Act. In its motion, the Board also directed the Task Force to report back to the Board within 60 days with a revised affordable housing policy for the Board's consideration. It is anticipated that the Board will adopt this revised affordable housing policy in 2007, after further review and public input.
34. As part of its motion, the Board also authorized the subject project to proceed prior to the Board's formal adoption of the revised affordable housing policy for Marina del Rey. The Board instructed the Director of Beaches and Harbors to discuss on-site low-income housing opportunities with the Applicant and bring back to the Board, within 30 days, an amended leasehold agreement pertaining to the subject Parcels 100 and 101, as necessary to ensure the project's full compliance with the Mello Act.
35. During the public hearing for the Project Permits before the Commission, the Applicant submitted a letter to the Commission (dated April 10, 2006) formally rescinding its proposal to pay the affordable housing in-lieu fee, calculated under the 2002 policy to be approximately \$3.6 million which proposal had initially been made by the Applicant in compliance with the 2002 Policy.
36. The Applicant informed the Commission that it would conduct a detailed income survey of its existing apartment tenants residing on the subject property to determine whether any of the existing dwelling units were eligible for replacement pursuant to Mello Act requirements.
37. On May 22, 2006, the Applicant submitted a letter summarizing the process it had utilized, in consultation with the Task Force, for determining affordable replacement units. In consultation with the Task Force, the Applicant prepared a "Coastal Housing Tenant Questionnaire and Tenant Financial Information Form."
38. On or about May 1, 2006, the Applicant mailed via U.S. Certified Mail the Task Force-approved Coastal Housing Tenant Questionnaire and Tenant Financial Information Form to each of the tenants of the Del Rey Shores Apartments complex developed on the subject property. The Applicant followed up by telephone with all tenants who did not respond to the mailed survey, using a County-approved telephone script to elicit additional tenant responses.

39. The Task Force established a three-step process for determining replacement unit eligibility for the existing units developed on the subject property, as follows:
- A. Current tenant income information from the tenant survey was first used;
 - B. If the tenant did not return the survey after the requested return date, despite follow-up telephone calls, the guidelines required the use of tenant income information less than two years old on-file with the landlord; and
 - C. When this information was not available, the rent for the unit was to then be compared to the 2006 affordable rent levels established by the State Department of Housing and Community Development ("DHCD"). In these cases, any unit rents that were below the moderate-, low-, or very low-income levels defined by the DHCD would be used to classify that unit for replacement.
40. Based on the foregoing criteria, the Applicant determined that 38 units qualified as replacement units.
41. The Commission analyzed the Applicant's tenant income survey methodology and results and found them to be valid and in full compliance with the requirements of the Mello Act.
42. In a letter to the Commission (dated May 30, 2006), CDC confirmed that it had conducted an audit of the tenant survey information submitted by the Applicant. The CDC hired DRA, Inc. (an independent consulting firm), to review all files with CDC staff. While the audit determined that the replacement unit estimate was correct, there was further discussion regarding the counting of tenants covered by a rental agreement. It was subsequently determined that if only those tenants covered by a rental agreement are included, this would result in 37 replacement units. CDC thus recommended 37 moderate income replacement units. These include 27 one-bedroom and 10 two-bedroom units. The Commission concurred with the CDC's recommendation and required the Applicant to provide 37 moderate-income affordable replacement units in the subject development.
43. As noted, the 2002 Policy includes an affordable inclusionary goal of 10 percent low-income units. The 10 percent goal does not, however, take into account the Mello Act's replacement housing obligations because the 2002 Policy is silent regarding the replacement housing obligation. The Mello Act clearly requires housing developments to provide on-site affordable inclusionary units only "where feasible." The Board finds that the Commission correctly concluded that determination of whether it is feasible to provide affordable inclusionary dwelling units must necessarily take into account a project's replacement housing obligation, because the number of replacement units required will have a direct bearing on the feasibility of providing affordable inclusionary units. As noted, the 2002 Policy also gives developers the ability to pay a fee in lieu of providing the affordable inclusionary units on-site. The draft revised affordable housing policy

for Marina del Rey, which the Board expects to consider later this year, would, as currently written, replace the 2002 Policy's 10 percent inclusionary goal and in lieu fee option with an inclusionary requirement of five percent of the net new units affordable to very low-income tenants or 10 percent of such units affordable to low-income tenants. Based on the foregoing, the Board finds that it is inappropriate to apply the 2002 Policy to the subject project.

44. The Mello Act does not specify a formula, specific number, or percentage of required affordable inclusionary dwelling units. Nor does the Mello Act require that these units be set aside for a particular income category (i.e., low- or moderate-income).
45. As noted, the Applicant proposes the demolition of 202 existing units and redevelopment of 544 units on the same site, an incremental increase of 342 units. Throughout the environmental review process, the impact of the project has been consistently defined by an evaluation of the incremental (or "net") increase between the existing project and the proposed project. Furthermore, as described above, the 202 existing units are subject to the replacement unit requirements of the Mello Act, which assures that the project will include that same number of affordable housing units as currently exist at the site. As further noted, the Mello Act does not specify any formula for complying with the affordable inclusionary requirement. Therefore, the Commission appropriately concluded that it is fair, reasonable, and consistent with the Mello Act to determine the number of affordable inclusionary dwelling units, "where feasible," based upon the net increase in the number of units attributable to redevelopment; for the subject project, this net increase amounts to 342 units.
46. Based upon the recommendation of the Task Force, the Commission found that it is feasible, in addition to the 37 moderate-income affordable replacement units being provided in the project, for the Applicant to provide 17 very low-income affordable inclusionary units within the project. The Applicant's provision of 17 very low-income affordable inclusionary units represents five percent of the net incremental new units to be constructed on the subject property. The Commission correctly found this affordable inclusionary calculation approach to be consistent with current State density bonus law, which requires a density bonus for projects that provide either 10 percent of the units as low-income units or five percent as very low-income units. Moreover, in providing very low-income housing on-site, the Commission found that the project will address members of the population most in need of affordable housing.
47. In their appeal to the Board, POWER's representatives maintain that the Commission erred in approving the Project Permits because the project's inclusionary affordable housing contribution is out of compliance with the Mello Act. POWER's representatives contend that the project is out of compliance with the Mello Act in this regard because, they maintain, it is feasible for the developer to provide more affordable inclusionary dwelling units on-site in the project than the 17 very low-income affordable inclusionary units approved by the

Commission. In essence, POWER's representatives contend that the Mello Act requires developers to provide the maximum number of inclusionary affordable dwelling units that may feasibly be developed in a given housing project in the coastal zone.

48. As noted, the Mello Act requires projects to provide on-site affordable inclusionary units only "where feasible." The Mello Act defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, social, and technical factors." As further noted, the Mello Act does not specify a formula, specific number, or percentage of required affordable inclusionary dwelling units. Nor does the Mello Act require that these units be set aside for a particular income category (i.e., low- or moderate-income). In surveying other cities and counties in the coastal zone, the Task Force found that different jurisdictions have established varying approaches to meeting the Mello Act's affordable inclusionary requirement.
49. The Board finds that the County-sanctioned analysis of inclusionary affordable housing requirements for the subject project appropriately concluded, in full conformance with the requirements of the Mello Act, that it is feasible for the Applicant to provide 17 very low-income units on-site in the project. This analysis was performed in connection with the ground lease negotiations between County staff and the Applicant and is also set forth in the February 25, 2007 report from The Maxima Group and the February 27, 2007, memorandum from the County's outside consultant, Keyser Marston. The analysis concludes that the Applicant can provide the 17 very low-income inclusionary units, but only with a ground rent credit from the County of \$11.05 million. The Board further finds that the County-sanctioned analysis utilized the appropriate criteria for determining feasibility, rent levels, and construction cost data. Specifically, the Board finds that a return on cost of 7 to 7.5 percent, which is based on comparable sales in the Marina and surrounding market as well as nationwide market surveys, is the appropriate benchmark to measure feasibility.
50. The Board finds that, based on the expert analysis and other information in the record, it would not be feasible for the Applicant to provide any additional affordable inclusionary units without additional rent credits, which would deprive the County of general fund revenues that could be used to meet other County public policy objectives, such as health care. The Board has weighed the competing public policy objectives and finds that the \$11.05 million rent credit is the maximum subsidy that the County is prepared to provide to subsidize on-site affordable housing in this project.
51. POWER's representatives provided oral and written testimony contending that it would be feasible for the project to provide up to 90 very low-income units. The Board finds that this testimony is not accurate or credible because POWER's representatives provide no market or other relevant data to support their assumptions. Moreover, their analysis improperly calculates return on cost in the following two ways:

- A. POWER's representatives use the future stabilized year (2010) net operating income to calculate the return on cost, but then compare the calculated return to a 2007 market return. The Board concurs with the findings of County staff and the County's independent economic experts that, using this approach, the future return must be adjusted upward by adding a "risk premium" or additional return to reflect future risks, which, for the subject project, include the construction, lease-up, capital market, and market risks associated with new development; and
 - B. POWER's representatives' calculated return on cost in 2010 is based on the incorrect assumption that the project would not have to pay any ground rent, which is contrary to County policy. The Board also concurs with the findings of County staff and the County's independent economic experts that return on cost is the appropriate measure of feasibility, and that equity internal rate of return (IRR) is not an appropriate measure of return for a development project on a ground lease, particularly given that the total remaining term of the lease is less than 54 years.
52. The Board has considered all of the oral testimony and written correspondence of POWER and its representatives and finds that such testimony and correspondence do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion, or narrative or evidence which is clearly erroneous or inaccurate.
53. The Board finds that the Commission correctly concluded that the Applicant's on-site provision of 17 very low-income inclusionary units is fully compliant with the Mello Act's affordable inclusionary housing requirement. Moreover, the Board finds that the approved Coastal Development Permit for the subject project appropriately insures the Applicant's long-term provision of the affordable inclusionary units by requiring the Applicant to enter into a covenant with the County stipulating that these 17 affordable inclusionary dwelling units shall be maintained on the subject property at the very low-income affordability level for a term of no less than 30 years, and that these units shall be reasonably dispersed throughout the project.
54. In their appeal, POWER's representatives maintain that the Commission erred in determining the number of affordable replacement units because it did not use information obtained from tenant surveys for all the units.
55. The Mello Act provides that existing residential units "occupied by persons or families of low or moderate income" are subject to the replacement unit requirement. The Mello Act does not, however, specify any particular methodology for determining which units are occupied by such persons or families. Rather, the Mello Act provides local jurisdictions with the discretion to implement the Act's requirements.

56. The Board finds that the Commission properly relied on the income survey, reasonable guidelines established by the Task Force for analyzing the tenant income survey information, and reasonable criteria for determining affordable replacement units from the County Chief Administrative Office in determining the subject project's replacement unit requirement. The Board further finds that the Applicant used all reasonable good faith efforts to obtain tenant income information; however, a number of tenants declined to provide such information. Rather than exclude these tenants from the replacement unit requirement, the Board finds that the Commission properly looked to recent income information on file with the Applicant, and, as a last resort where this income was unavailable, to current rent levels. This resulted in a greater inclusionary obligation than if the Commission had relied solely on income information provided by tenants, as requested by POWER's representatives.
57. The Board finds that the approved Coastal Development Permit for the project appropriately insures the Applicant's long-term provision of the project's affordable replacement units by requiring the Applicant to enter into a covenant with the County stipulating that these 37 affordable replacement units shall be maintained on the subject property at the moderate-income affordability level for a term of no less than 30 years, and that these units shall be reasonably dispersed throughout the project.
58. In their appeal, POWER's representatives contend that the Commission erred in exempting the units that are occupied by resident managers at the existing Del Rey Shores apartments from the Mello Act's replacement unit requirement.
59. The Mello Act does not prescribe how local jurisdictions are to assess replacement unit eligibility in instances when existing units are occupied by resident managers. The Board finds that the Commission appropriately concluded that three manager-occupied units (and not four as maintained in the appeal) are not subject to the Mello Act's replacement unit obligation because resident managers are employees whose compensation usually includes free rent and are not typically considered tenants under landlord-tenant law. In this instance, the Commission appropriately excluded the three units with resident managers from the replacement unit requirement because the Mello Act focuses on providing replacement units for units occupied by tenants, not employees.
60. In their appeal, POWER's representatives maintain that the Commission improperly excluded from the replacement unit requirement six units occupied by students who were dependent on the income of their parents.
61. The Mello Act does not prescribe how local jurisdictions are to assess replacement unit eligibility for units occupied by students claimed as dependents by their parents. The Board finds that the Commission appropriately excluded from the affordable replacement unit requirement the four units (and not six as maintained in the appeal) occupied by students who are financially dependent on their parents. The Board concurs with the Commission's recognition that

students generally have greater financial resources than the low- and moderate-income tenants that the Mello Act is intended to address. Moreover, by providing parent financial information or guarantees, the students are using their parents' financial resources to induce the landlord to rent the unit. But for their parents' financial assistance, the students would not have qualified for the units and would not now be tenants of the existing complex. The Board finds that it would have been inappropriate for the Commission to ignore this information for the purposes of determining replacement unit status per the Mello Act.

62. In their appeal, POWER's representatives contend that the Commission erred in excluding vacant units from consideration as affordable replacement units.
63. The Mello Act expressly limits the replacement unit obligation to those units actually "occupied by persons or families of low or moderate income." (Emphasis added) Government Code section 65560(b). Consistent with the Mello Act, the Task Force reviewed all evictions from the existing units since May 1, 2005. The Applicant provided copies of court judgments showing that the two evictions during this period were for nonpayment of rent. The Board thus finds that the Commission relied on valid information regarding evictions and a correct interpretation of the Mello Act's language in appropriately excluding all of the 13 vacant units from consideration as replacement units.
64. In their appeal, POWER's representatives maintain that the Commission improperly eliminated 10 units as replacement units by considering combined incomes for unmarried couples living together.
65. The Mello Act contemplates aggregating incomes of families and households in a unit for the purposes of determining whether the unit is an affordable replacement unit. Significantly, however, the Mello Act does not provide any criteria for determining which tenants are to be considered families and households.
66. In the present case, the Commission reasonably considered a unit occupied by a married couple to be a single household. As families can exist outside of the traditional marriage relationship, Point No. 6 of the May 11, 2006 "Del Rey Shores Income Survey Guidelines" read:

"Unmarried and unrelated occupants who wish to be treated as separate individuals rather than a household must declare under penalty of perjury the following: 1) they are not registered domestic partners; 2) they do not receive employment benefits (i.e., health insurance, etc.) from the other party; 3) they do not share a bank account; or 4) they do not own any property together."

The Board finds that the Commission appropriately relied on these criteria in determining which tenants should be considered families or households for the purposes of determining the Applicant's affordable replacement unit obligation for

the project. Only three units with unmarried couples were excluded as replacement units due to income aggregation (not 10 units, as incorrectly stated by POWER's representatives).

67. In their appeal, POWER's representatives maintain that the Commission erred by improperly allowing for the replacement of two bedroom units with a one-bedroom unit in cases where only one tenant is of low- or moderate- income.
68. The Mello Act provides that if an existing unit is occupied by more than one person or family, the replacement housing obligation is required if at least one person or family is of low- or moderate-income; however, the Mello Act does not prescribe how the replacement housing obligation applies to portions of units. In the present case, the Commission determined that in the two cases where two unrelated people occupied a two-bedroom unit, but where only one of the persons in each such unit was of low- or moderate-income, it was appropriate for the replacement obligation to be two, one-bedroom units rather than two, two-bedroom units. The Board finds that the Commission was correct in concluding this to be a fair and reasonable approach that is consistent with the Mello Act.
69. In their appeal, POWER's representatives argue that it was unlawful for the Commission to have approved the replacement of all units deemed to qualify as affordable replacement units with units targeted to moderate-income households; POWER's representatives assert that the Mello Act instead requires a "like-for-like" replacement approach whereby replacement units are to be targeted to the same income level as the units lost to demolition.
70. The Mello Act states that units occupied by low- or moderate-income persons or families may not be converted or demolished "unless provision has been made for the replacement of those dwelling units with units for persons or families of low- or moderate-income." The Board finds that the Commission correctly concluded that this language does not require a "like-for-like" replacement (i.e., replacing existing units occupied by very low- or low-income tenants with new units at the same affordable income level). Rather, the Board concurs with the Commission's conclusion that the Mello Act allows for replacement of existing units occupied by very low- or low-income tenants with units targeted at the moderate-income level. Therefore, the Board finds that the Commission lawfully required, in full conformance with Mello Act requirements, that the project's 37 affordable replacement units be made affordable to individuals or households with moderate incomes, as defined in Health & Safety Code section 50093.
71. Based upon the expert analysis set forth in the March 5, 2007 letter from the Maxima Group and other evidence in the record, the Board finds that (a) requiring "like-for-like" replacement units would reduce the annual rentals from the project by \$323,918 per year, and (b) this rent reduction would render the project infeasible without an additional \$4.15 million in rent credits from the

County. As noted above, in the present case, the Board has carefully weighed the competing public policy objectives and has determined that additional rent credits are not warranted.

72. In their appeal, POWER's representatives contend that the Commission erred by not requiring that the affordable housing units be reasonably dispersed throughout the project.
73. The Board finds that the Commission appropriately required, expressly in Condition No. 1.a of the approved Coastal Development Permit, that the 54 affordable housing units to be provided in the project be dispersed throughout the project.
74. In their appeal, POWER's representatives argue that the Commission erred by basing the calculation of the affordable inclusionary units for the project on the net increment of new units to be constructed on the site.
75. As noted, throughout the environmental review process, the impact of the project has been consistently defined by an evaluation of the incremental (or "net") increase between the existing project and the proposed project. Furthermore, as described previously, the 202 existing units are subject to the replacement unit requirements of the Mello Act, which assures that the project will include that same number of affordable housing units as currently exist at the site. Further, the Board finds that the Mello Act does not specify any formula for complying with the affordable inclusionary requirement. The Board therefore finds that the Commission rightly concluded that it is fair, reasonable, and consistent with the Mello Act to determine the number of affordable inclusionary dwelling units, "where feasible," based upon the net increase in the number of units attributable to redevelopment; for the subject project, this net increase amounts to 342 units.
76. In their appeal, POWER's representatives charge that the Commission erred by refusing to consider a density bonus for the project as a means to "assist with Mello Act compliance."
77. The Board finds that the Commission, expressly in Finding No. 57 of its decision, gave due consideration to and appropriately rejected as infeasible a density bonus option for the project.
78. In his appeal to the Board, the HOA's representative claims the Commission violated CEQA and abused its discretion in approving the Project Permits and in certifying the FEIR because the height and massing of the approved project will be incompatible with surrounding development and will purportedly result in significant shade and shadow impacts to condominiums situated westerly of the subject property.
79. The Board finds that there is credible evidence in the record, including the certified FEIR and a detailed shade and shadow analysis, to support the

Commission's appropriate conclusion that the height and massing of the approved project can be deemed to be compatible with surrounding development, and that the approved project will not result in a significant shade impact to the condominiums situated westerly of the subject property. The FEIR provides appropriate responses to appellant's comments respecting the project's purported physical incompatibility with surrounding development in the Introduction to Response to Comments Issue Number 2 (pages 3.0-4 and 3.0-5 of the FEIR) and at pages 3.0-117 and 3.0-137. Moreover, the FEIR provides appropriate responses to appellant's comments respecting purported shade and shadow impacts in the Introduction to Response to Comment Issue Number 4 (pages 3.0-11 to 3.0-12 and Figures 5A and 8) and at page 3.0-17.

The Board considered oral testimony and exhibits at the public hearing provided by the Applicant's representative demonstrating that the face of the project's buildings will be articulated and stepped back a maximum of more than 20 feet above the parking structure. The Board finds that this articulation and step back, in combination with landscaping to be installed by the Applicant along the project's Dell Avenue frontage, will reduce the effects of the increased massing as compared to the existing apartments and will help assure that the project will not be incompatible with the scale of the condominiums situated westerly of the subject property. The Board has therefore expressly conditioned the project to conform to the articulation and massing exhibits included in the administrative record.

In light of the above, the Board finds that the Commission neither violated CEQA nor abuse its discretion in finding the approved project to be compatible with surrounding development, and in finding that the approved project would not result in significant shade and shadow impacts to multi-family condominium development located westerly of the subject property.

80. In his appeal, the HOA's representative alleges that the Commission erred in voting to certify the project FEIR without first re-circulating the document for additional public review and comment after the Commission had approved changes to the project parking, grading plan, and access points.
81. The Board finds that the Commission did not err in this regard. CEQA Guidelines section 15088.5 requires recirculation of an Environmental Impact Report ("EIR") only if significant new information is added after circulation of the DEIR. Section 15088.5 states:

"New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. Recirculation is not required where

the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications of an adequate EIR."

The Board finds that the project EIR fully analyzed the environmental consequences of the minor project changes regarding parking, grading, and access. The Board finds, moreover, that the FEIR appropriately concludes that these minor changes would not result in a new significant impact or a substantial increase in the severity of an impact, and that the new information made insignificant modifications to an already adequate EIR. Finally, the Board finds that credible evidence in the record, including a revised air quality analysis reflecting the new grading plan, a revised site plan showing the modified access scheme, and a parking management plan fully addressing the minor parking modifications, supports the Commission's decision not to re-circulate the EIR.

82. In his appeal and in testimony at the public hearing, the HOA's representative asserts that the Commission erred in approving the Project Permits and in certifying the FEIR because the EIR's traffic analysis and mitigation measures are allegedly inadequate in the following ways: a) the LCP's "cap" on new vehicle trips in the Marina has been exceeded; b) the traffic analysis used improper rates of traffic growth; c) the traffic study should have analyzed Year 2025 conditions; d) the LCP does not allow contribution into the TIP fund as mitigation; and e) the project traffic study improperly relied upon outdated information.
83. The Board finds that the administrative record includes credible evidence, including the certified FEIR, the detailed traffic study by a qualified expert based on actual traffic counts, Staff Reports and testimony from County staff and oral and written testimony from the Applicant's representative, refuting the HOA's representative's allegations regarding the purported inadequacy of the project traffic analysis and prescribed traffic mitigation measures. With respect to the appellant's claim that the project will cause an exceedance of the certified LCP's trip cap, the FEIR provides appropriate responses at pages 3.0-93, 3.0-118, 3.0-125, 3.0-126 and 3.0-127. Contrary to the appeal, the LCP's trip cap applies only to net traffic generated by new Phase II development within the Marina and not to all trips that may pass through area intersections. Nor does the trip cap apply to unapproved projects; many of the Marina developments cited by the appellant have not yet been approved. Nonetheless, the traffic analysis in the EIR considered the cumulative impacts of all reasonably foreseeable pending projects within and outside the Marina. With respect to the appellant's claims regarding the purported inadequacy of traffic growth rates utilized in the project traffic study, appropriate responses are provided in Response to Comment Issue Number 5 and at pages 3.0-19 to 3.0-20 and at pages 3.0-94, 3.0-104 to 3.0-106 and 3.0-139. With respect to the appellant's claims regarding the purported inadequacy of the time horizon analyzed in the project study, the FEIR provides appropriate responses at page 3.0-94. With respect to the appellant's claims

regarding the purported inadequacy of utilizing trip fees as proper mitigation, the FEIR provides appropriate responses in Response to Comment Issue Number 5 and at pages 3.0-106, 3.0-125 and 3.0-127. Finally, with respect to the appellant's claim that the FEIR's traffic analysis was based on outdated information, staff from the Traffic & Lighting Division of the County Department of Public Works testified at the public hearing that the traffic study was based on current traffic counts and not count information from the 1991 DKS study. While the EIR did use the traffic generation rates from the DKS study, these rates are based on empirical studies of actual Marina traffic and are considered to be the most accurate information available. The appellants have not provided any evidence that these rates are in any way inaccurate.

84. In his appeal, the HOA's representative maintains that the Commission erred in certifying the FEIR because the document does not adequately address operational air quality impacts on Dell Avenue that will allegedly be caused due to project traffic increases. The HOA's representative also contends that the approved project will create a significant air pollution impact to the properties to the west of the subject property by preventing movement of air, thereby allowing pollutants to concentrate.
85. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed air quality analyses and wind study prepared by experts, to support the Commission's appropriate conclusion that the FEIR is accurate in its assessment that the project will not result in any significant air quality impacts during project operation, including any impacts on Dell Avenue or the properties to the west of the subject site. Appropriate responses to the HOA's representative's claims regarding these issues are provided at page 3.0-92 of the FEIR (no significant air quality impact on Dell Avenue as result of project operation) and at pages 3.0-8 and 3.0-9 of the FEIR (no significant air quality impact to residences developed westerly of subject property as result of project operation).
86. In his appeal, the HOA's representative claims that the wind study which the Commission relied upon in approving the Project Permits and certifying the FEIR is flawed because it does not adequately consider effects the project will have on boats in their berths.
87. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed wind study prepared by an expert in the wind engineering field, RWDI, Inc., to support the Commission's appropriate conclusion that the project will not result in any significant wind impacts, including impacts on sailing vessels in the basins of Marina del Rey. The Board finds that the Commission appropriately relied on this expert evidence in certifying the project FEIR. Appropriate responses to the HOA's representative's claims regarding this issue are provided in the Introduction to Response to Comment Issue Number 3 and at pages 3.0-8 to 3.0-10, 3.0-104, and 3.0-125 of the FEIR.

88. In his appeal, the HOA's representative contends that the Commission erred in approving the Project Permits and in certifying the FEIR because the project will result in significant geologic/geotechnical impacts due to the presence of fill underlying the subject property and abandoned oil wells on the subject site. The HOA's representative also maintains that, during an earthquake, the approved structures will have the potential to collapse on his clients' condominiums situated westerly of the subject site.
89. The Board finds that the administrative record includes credible evidence, including the certified FEIR and the preliminary geotechnical investigation prepared by a licensed civil engineering firm, refuting the HOA's representative's claims regarding the project's purported geologic/geotechnical impacts. With respect to the appellant's claim that adverse geologic impacts will result from fill underlying the subject property, appropriate responses are provided in the FEIR at pages 3.0-89 and 3.0-90. With respect to the appellant's claim regarding potential adverse impacts caused by abandoned oil wells on the subject property, appropriate responses are provided at pages 3.0-90 to 3.0-91 and 3.0-118 of the FEIR. With respect to the appellant's contention that the approved structures will have the potential to collapse during an earthquake, appropriate responses are provided in the FEIR at pages 3.0-91 and 3.0-104 to 3.0-119. The Board concludes that the Commission properly found, based on substantial evidence provided in the EIR, that, with implementation of mitigation measures identified in the EIR, compliance with County building and technical code requirements and County oversight as part of the building permit process, the approved project will not result in any significant geologic or geotechnical impacts, including any impacts respecting fill materials, abandoned oil wells, and risk of building collapse.
90. In his appeal, the HOA's representative maintains that the Commission erred in approving the Project Permits and in certifying the FEIR because the FEIR fails to adequately analyze potential risks posed by methane gas in the soils underlying the subject property.
91. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed Soil Gas Letter Report and preliminary geotechnical investigation prepared by qualified experts, to support the Commission's conclusion that the approved project will not result in any significant methane impacts, including risk of explosion, as fully addressed in the FEIR. The FEIR provides appropriate responses to the HOA's representative's claims regarding methane gas at pages 3.0-90, 3.0-91, and 3.0-137.
92. In his appeal, the HOA's representative claims that the Commission erred in approving the Project Permits and in certifying the FEIR because the project EIR fails to address project operational noise impacts and does not require noise mitigation measures targeted to lessen such impacts.

93. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed noise analysis by a qualified expert, to support the Commission's appropriate conclusion in the FEIR that the approved project will not result in any significant operational noise impacts and that mitigation measures to lessen such impacts are thus unnecessary for the project. The FEIR provides appropriate responses to the HOA's representative's claims regarding noise impacts at pages 3.0-90, 3.0-91 and 3.0-137.
94. In his appeal, the HOA's representative maintains that the Commission erred in approving the Project Permits and in certifying the FEIR because the Project Permits and/or FEIR allegedly do not require the Applicant to fund all of the cost of needed water and sewer infrastructure improvements.
95. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed sewer availability and water availability analyses prepared by a licensed civil engineering firm, to support the Commission's determination in the FEIR that the project will not result in any significant water or sewer impacts. Appropriate responses to the appellant's claims regarding water and sewer infrastructure impacts are provided at pages 3.0-106, 3.0-107, 3.0-127, and 3.0-138 of the FEIR. Moreover, the Applicant's conformance with the conditions of approval of the Project Permits will ensure the project's compliance with the infrastructure improvement requirements of the certified LCP and County Department of Public Works, including all such requirements related to water and sewer service for the approved project.
96. In his appeal, the HOA's representative contends that the Commission erred in approving the Mitigation Monitoring Program ("MMP") for the project because the MMP allegedly fails to meet CEQA requirements in not providing a time limitation for the Applicant to arrange for a hauling company to dispose of construction waste.
97. The Board finds, contrary to the HOA's representative's claim, that the Commission's adopted MMP expressly requires the Applicant to implement a timely construction waste hauling program, and that the adopted MMP appropriately identifies the County Department of Public Works as the responsible agency for determining the Applicant's compliance with this requirement.
98. In his appeal, the HOA's representative claims that the alternatives analysis in the EIR improperly failed to consider a 300-plus-unit alternative. The Board finds that, contrary to this claim, the EIR did consider a 303-unit alternative which involved rehabilitation of the existing units. The Board further finds that the HOA's representative failed to demonstrate that the suggested alternative has substantial environmental advantages over subject project or the alternatives analyzed in the EIR.

99. The EIR analyzed five separate alternatives, including a 350-unit alternative that was added to the Final EIR in response to comments from the appellant. The Board finds that the Commission properly found that the EIR considered a reasonable range of alternatives in compliance with CEQA.
100. In his appeal, the HOA's representative disputes the Commission's reasons for rejecting the alternatives, contending that there is no need for more housing in the Marina. The Board finds that there is a need for more housing, especially affordable housing, in the County, and that EIR properly identified increased housing as a key project objective. The Board finds that the Commission properly rejected those alternatives that would provide less housing, in part because these alternatives did not meet this key project objective as fully as the subject project.
101. The Board also finds that the project alternatives involving fewer units would also generate less ground rent than the subject project and that the Commission properly rejected the less-dense alternatives on this additional ground.
102. In his appeal, the HOA's representative claims that the Commission improperly adopted the statement of overriding considerations in approving the project. The Board finds that, in accordance with Public Resources Code section 21081(b), the Commission properly found that specific economic, legal, social, technological, or other benefits of the project outweigh the project's significant impacts on the environment. These benefits include providing increased housing in the coastal zone, including affordable housing, replacing the existing, outdated apartments with new, contemporary development, implementing traffic mitigation, creating construction and permanent jobs and providing additional revenues to the County in the form of increased ground rent. The Board finds that there is credible evidence in the record, including the FEIR, Staff Reports and oral and written testimony by the Applicant and its representatives, that the project will provide such benefits.
103. The Board has considered all oral testimony and written correspondence from the HOA and its representative and finds that this testimony and correspondence fail to identify any substantial evidence that the FEIR does not meet the requirements of CEQA, and fail to identify any substantial evidence requiring recirculation of the FEIR pursuant to CEQA Guidelines section 15088.5. The Board finds that there is no credible evidence in the record that the supposed environmental impacts set forth in the appellant's testimony and correspondence will in fact occur, but there is credible evidence rebutting such testimony and correspondence. The appellant has offered no expert testimony or any evidence that the appellant or its various representatives are experts or have any special expertise with respect to the subject matter of their testimony or correspondence. The Board further finds that such oral testimony and written correspondence do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly

erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

104. The Applicant has requested a parking permit to authorize the provision of compact parking for a portion of the on-site apartment parking. The Applicant asserts that compact parking is needed in order to maximize on-site parking and to provide more space for landscaping.
105. According to Section 22.52.1180 of the County Code, parking spaces for apartments shall be standard size unless compact are allowed by a parking permit. Of the 1,088 parking spaces to be provided in the project, 742 standard parking spaces and 328 are compact parking spaces. All of the compact parking spaces provided in the project will be compact in length only (i.e., 15 feet long instead of the standard 18-foot length); however, each compact parking space will maintain the width of a standard space (i.e., 8½ feet wide). Moreover, of the 1,088 spaces, 514 spaces are proposed in a tandem configuration.
106. The Applicant has submitted into the administrative record a parking management plan and detailed plans of the apartment parking garage. The Applicant's parking management plan, dated February 15, 2006, and titled "Shores Apartment Complex Project: Parking Management Plan," was prepared for the Applicant by Walker Parking Consultants, a recognized expert in the parking management field. The parking management plan appropriately addresses proposed parking layout, security, method of operation, and parking space allocation. The Applicant has satisfied the Board that project parking will be allocated and managed pursuant to a legitimate parking management program, which will ensure the efficient and safe distribution of compact and standard parking spaces within the parking garage. The Board also finds that "spill-over" parking onto adjacent streets will not occur because the project provides a sufficient number and appropriate arrangement of on-site parking spaces, consistent with the County Code requirements.
107. The Applicant has also requested a variance for the construction and maintenance of signage in excess of the County Code requirements. Signage is concentrated primarily on the northeasterly portion of the site. The Applicant states that a variance modifying sign standard is principally justified in this case in order to provide sufficient visibility to prospective tenants and visitors to the site, and to allow a similar right enjoyed by comparable projects within the vicinity of the site.
108. Section 22.46.1060.D.2 of the County Code refers sign regulations for each Marina del Rey land use category to those of a particular zone. Standards for the subject Residential V land use category are tied to R-4 zoning signage requirements. According to Section 22.52.930 of the County Code (sign requirements for the applicable R-4 Zone), one wall mounted business

identification sign, not to exceed six square feet in sign area, is permitted by right for the proposed project. The Applicant maintains that this very limited signage allowance is overly restrictive and inadequate for a contemporary apartment complex of the size and stature of the proposed project.

109. The Applicant has submitted into the administrative record detailed renderings of the proposed project signage. Examples of comparable signage within the vicinity of the project site have also been submitted by the Applicant. The Board finds that the evidence submitted by the Applicant is sufficient to substantiate the Applicant's Variance request for increased project signage.
110. The California Coastal Commission does not impose a moratorium on development proposals during the period it provides and receives comments on the implementation of a Local Coastal Program. Moreover, the Coastal Commission staff's preliminary comments provided to date are part of an ongoing and yet incomplete process and therefore are not relevant to the Board's consideration of the subject project.
111. The Board finds that the approved project complies with policies of the Marina del Rey Land Use Plan and provisions of the Marina del Rey Specific Plan as incorporated in the Marina del Rey LCP, including:
 - A. The project has fulfilled all pertinent filing requirements specified in section 22.46.1180 of the Marina del Rey Specific Plan;
 - B. The project meets development standards specified in section 22.46.1330 of the aforementioned Specific Plan;
 - C. The project's net increase of 342 units is well within the limits of 530 dwelling units specified for the Via Marina Development Zone (Zone 12);
 - D. The project meets the intent of the Residential V category and all development requirements specified herein; and
 - E. Conditions of approval and mitigation measures require contribution of a fair share to, funding of the mitigation measures described in the Coastal Improvement Fund as specified in Section 22.46.1950 of the County Code.
112. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning and Permit Section, Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

Regarding the Coastal Development Permit:

- A. That the proposed project is in conformity with the certified local coastal program and, where applicable;
- B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code";

Regarding the Parking Permit:

- C. That there will be no conflicts arising from special parking arrangements shared facilities, tandem spaces, or compact spaces because:
 - i. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowner's association to assure an efficient distribution of parking spaces.
- D. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve the property;
- E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

Regarding the Variance:

- F. That there are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, location of surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- G. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity or zone; and
- H. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Certifies that it independently reviewed and considered the information contained in the FEIR prepared for the project and certified the FEIR at the conclusion of the hearing on the project; determined that the conditions of approval attached hereto and as set forth in the MMP for the project are the only mitigation measures for the project which are feasible and that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in these findings and the environmental findings prepared for the project; determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the findings and in the Environmental Findings of Fact and Statement of Overriding Considerations, which findings and statement were adopted by the Board at the conclusion of the hearing and are incorporated herein by reference, and adopts the MMP which is appended to and included in the attached conditions of approval, finding that, pursuant to California Public Resources Code section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation; and
2. In view of the findings of fact and conclusions presented above, Coastal Development Permit No. 200500002-(4), Parking Permit No. 200500004-(4), and Variance No. 200500004-(4) are approved, subject to the attached conditions.

FINDINGS OF FACT and STATEMENT of OVERRIDING CONSIDERATIONS
Regarding THE SHORES APARTMENT COMMUNITY PROJECT

PROJECT NUMBER: R2005-00234-(4)

COASTAL DEVELOPMENT PERMIT: RCPD 200500002

PARKING PERMIT: RPKP 200500004

VARIANCE NO.: RVAR 200500004

STATE CLEARINGHOUSE NUMBER: 2005071080

COUNTY OF LOS ANGELES

DEPARTMENT OF REGIONAL PLANNING

320 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

December, 2006

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS REGARDING THE FINAL
ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NUMBER 2005071080)
FOR "THE SHORES" APARTMENT COMMUNITY PROJECT
(COUNTY PROJECT NUMBER R2005-00234-(4))**

The Regional Planning Commission ("Commission") of the County of Los Angeles ("County") hereby certifies "The Shores" Apartment Community Project Final Environmental Impact Report, State Clearinghouse Number 2005071080, which consists of the Draft Environmental Impact Report ("DEIR") dated November 2005, Technical Appendices to the DEIR dated November 2005, and the Final Environmental Impact Report, including Responses to Comments dated December 2006, collectively referred to as the "FEIR," and finds that the FEIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.) ("CEQA"). The Commission further hereby certifies that it has received, reviewed and considered the information contained in the FEIR, the applications for Coastal Development Permit No. RCPD 200500002, Parking Permit No. RPKP 200500004 and Variance No. RVAR 200500004 (collectively, the "Project"), to permit the single-phased redevelopment of uses on Parcels 100 and 101 of the Marina del Rey Local Coastal Program (the "LCP"), consisting of 544 rental apartment units (17 of which will be designated for very low-income households for a term of no less than 30 years and 37 of which will be designated for moderate-income households for a term of no less than 30 years) and 1,088 garage parking spaces and other appurtenances, all hearings, and submissions of testimony from officials and departments of the County, the Applicant (as defined below), the public and other municipalities and agencies, and all other

pertinent information in the record of proceedings. Concurrently with the adoption of these findings, the Commission adopts the Mitigation Monitoring Plan attached as Exhibit A to these findings.

Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Commission hereby makes findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,
- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

BACKGROUND

Project Description; Minor Changes

Del Rey Shores Joint Venture and Del Rey Shores Joint Venture North (collectively the "Applicant") propose redevelopment of existing uses located on two contiguous parcels, which the Applicant leases from the County within Marina del Rey. The 8.32-acre Project site is identified as Parcels 100 (3.18 acres) and Parcel 101 (5.14 acres) in the Marina del Rey Specific Plan and is located at the northwest corner of the intersection of Via Marina and Marquesas Way in the unincorporated community of Marina del Rey. Regional access to the site is provided by Lincoln Boulevard, the Marina Freeway/Expressway and the San Diego Freeway.

The Applicant's initial development proposal, reflected in its initial development application to the County of Los Angeles Department of Regional Planning ("DRP"), was to demolish the existing 202-unit apartment complex and all appurtenant improvements located on Parcels 100 and 101 (the existing "Del Rey Shores Apartments"), including all existing structures, parking, landscaping and hardscape located on the subject property, and to subsequently construct a 544-unit, all-market-rate (i.e., no affordable housing units provided therein) apartment complex consisting of twelve (12) connected and/or adjacent apartment buildings (maximum 75-feet in height, exclusive of appurtenant screened rooftop mechanical equipment and selected architectural features) with five stories of units over two stories of structured parking. The original development proposal contemplated development of 1,114 parking spaces and appurtenant landscaping and resident recreational amenities on-site. At the time of its initial Project application filing with DRP, the Applicant proposed payment of an affordable housing in-lieu fee in accordance with the Marina del Rey Affordable Housing Policy, which Policy was adopted by the County Board of Supervisors on August 6, 2002. The amount of the in-lieu affordable housing fee proposed for payment by the Applicant in its initial Project Application was approximately \$3.8 million. This represented the proposed Project evaluated in the Draft EIR.

During the public hearing for the proposed Project before the Commission, the Commissioners expressed a desire to see the Project modified to address issues raised during the public hearing. Specifically, the Commission expressed a desire for the Applicant to incorporate surface parking spaces into the Project that would be designated for public use. In response to this request, the Applicant modified the Project design to provide nine (9) surface parking spaces on the Project's Admiralty Loop frontage, which will be signed for public use (whereas the initial Project proposed no public surface parking spaces). The change is beneficial and does not have the potential to have adverse environmental impacts.

In addition, the Commission and members of the public expressed the desire to see the Project construct affordable units on-site instead of paying an affordable housing in-lieu fee. The Applicant withdrew its original proposal regarding the in-lieu fee and instead offered to dedicate thirty-seven of the Project's 544 total dwelling units to moderate-income households and an additional seventeen to very low-income households. This change involves social and economic factors which do not have the potential to have adverse environmental impacts

Several other minor changes were made to the Project during the public hearing process, including:

- A reduction in the number of garaged parking spaces, from 1,114 garage parking spaces proposed for residents and their guests in the DEIR project design to 1,088 garage parking spaces in the FEIR project design. Because parking spaces proposed as part of the modified project remain in excess of defined County standards (County Code requires 1,087 parking spaces for Project residents and their guests), this change in the Project Description is not considered significant;
- A reduction in the number of standard-sized parking spaces, from 925 proposed in the DEIR to 742 and an increase in the number of compact parking spaces, from 189 proposed in the DEIR to 328 (there will also be 18 handicap accessible parking spaces); and an increase in the number of tandem parking spaces from 378 proposed in the DEIR to 514 and a decrease in the number of single stall parking spaces from 736 proposed in the DEIR to 574. Walker Parking Consultants has determined that: (1) onsite parking meets all County code requirements and is sufficient to meet the needs of on-site residents; (2) the on-site property manager has the ability to monitor and fully control on-site parking and reassign spaces to meet tenant needs and optimize use of the spaces; (3) specific parking spaces would be assigned to residents of the facility; (4) nine above ground public parking spaces are now provided; and (5) tandem spaces are of sufficient size to

accommodate residents of the project. For these reasons, the FEIR concluded that it is not foreseeable that the Project would impact parking on surrounding streets;

- Relocation of a Project driveway from Via Marina onto Admiralty Loop (thereby resulting in three access points, versus a previous two on Admiralty Loop and no access points for the Project on Via Marina). As described in the FEIR, relocating the driveway from Via Marina to Admiralty Loop eliminates the need for U-turns and reduces potential vehicle trips on perimeter roads, thereby providing for a more simplified transportation circulation plan and serving to further reduce trips occurring on Via Dolce. Additionally, the addition of a third driveway on Admiralty Loop will not result in significant new project traffic impact on either Dell Avenue, or on Via Dolce. In fact, this relocated driveway will reduce the number of Project trips originally assumed to occur on those roadways, since the Via Marina driveway would have been right-turn in/right-turn out operations, and force drivers exiting the Via Marina driveway to travel south to either perform a U-turn at Via Marina/Marquesas Way, or to travel on Via Dolce to reach Washington Boulevard. The relocation of this driveway to Admiralty Loop provides resident and visitor access to the signalized intersection of Via Marina/Admiralty Loop/Panay Way, thereby allowing left-turns out of the site to reach Washington Boulevard. The traffic engineer has determined that the “redirected” trips are not of sufficient magnitude to significantly alter the analysis or conclusions of the DEIR. This access change has been reviewed and approved by the County Department of Public Works. Therefore, this change in the Project Description does not significantly alter the content of the DEIR or change its significance conclusions;
- The Project grading plan analyzed in the DEIR contemplated a “balanced” grading scheme whereby all cut materials would be balanced on-site and no graded materials would be exported from the site. During the public hearing process, it

was determined that the depth of grading would need to be incrementally reduced and the footprint incrementally increased due to a Project alteration calling for only one level of the parking garage to occur below grade (versus two levels as defined in the DEIR). Because of this Project modification, the amount of required grading would need to be increased, resulting in export of approximately 25,940 cubic yards of material.

The FEIR concludes that this revision to the proposed grading plan for the Project would not alter the conclusions or engineering recommendations of the Project geotechnical report or the conclusions or recommended mitigation measures in the Geology and Soils section (Section 5.1) of the DEIR. Moreover, the FEIR concludes that this modification to the Project would not alter the conclusions or engineering recommendations of the Project hydrology report or the conclusions or recommendations of the Hydrology and Water Quality section (Section 5.3) of the DEIR.

The export of 25,940 cubic yards of material would result in 1,297 additional truck trips during a 40 working-day construction period. The additional grading and truck trips would incrementally, but not significantly, increase construction emissions. As shown in the FEIR, and consistent with conclusions defined in the Draft EIR, NO_x and VOC emissions would exceed SCAQMD thresholds. The maximum NO_x emissions would increase about 2 percent over the amounts set forth in the Draft EIR. However, the maximum VOC emissions would not change because the peak emissions would occur during project finishing and not during excavation. Consistent with data included in the Draft EIR, CO, SO_x and PM₁₀ emissions would be incrementally increased, but would remain below defined SCAQMD significance thresholds. As such, this incremental increase in emissions will not result in a new significant impact or a substantial increase in the severity of an impact set forth in the Draft EIR.

Section 15088.5(a) of the *State CEQA Guidelines* states that a "lead agency is required to re-circulate an EIR when significant new information is added after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before circulation." Section 15088.5 also states that:

"New information added to an EIR is not "Significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The above Project design revisions were evaluated in the FEIR, where it was determined that the revisions would not increase the severity of any significant impact nor create a new significant impact or otherwise require recirculation of the DEIR.

The revised Project consists of an apartment community of twelve (12) interconnected and/or adjacent apartment buildings. The 12 buildings, each attaining a maximum height of 75 feet exclusive of appurtenant screened rooftop mechanical

equipment and selected architectural features, are arranged around the perimeter of the project site; a large central courtyard is located at the center of the Project site containing a pool and other recreation facilities for Project residents and their guests. The Project features landscaping both in the central courtyard area and frontage of the streets that surround the Project site. The public pedestrian experience will be greatly enhanced (over existing conditions) at the site perimeter through the Applicant's replacement of existing sidewalks with new sidewalks, new landscaping and pedestrian-level lighting facilities. In total, the revised Project will contain 544 rental apartment units, 17 of which will be dedicated (for a period of 30 years) to very low-income households and 37 of which will be dedicated (for the same 30-year term) to moderate-income households. The complex will be developed with a two-level parking garage (one level underground) containing a total of 1,088 garage parking spaces; nine surface parking spaces will be provided for use by the public at the Project's Admiralty Loop frontage. Project construction will commence in a single development phase.

The Environmental Impact Report Process

The County completed an Initial Study of the Project and determined that an Environmental Impact Report was required. A Notice of Preparation (NOP) was issued from July 18, 2005 through August 16, 2005. Potentially significant environmental impacts addressed in the DEIR include geotechnical and soil resources, noise, hydrology and water quality, air quality, visual quality, traffic/access, water service, sewer service and solid waste disposal. The Draft EIR analyzed both project and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed Project.

The DEIR also discussed a number of potential alternatives to the proposed Project, including (1) No Project, (2) Provision for Affordable Housing, (3)

Rehabilitation of Existing Structures; and (4) Above-Ground Parking. (The FEIR also considered a lower density alternative involving new construction.) Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project. This range of reasonable alternatives has permitted as reasoned choice to be made by the Commission in directing specific changes to the Project. The Commission has reviewed each of the alternatives and recommends approval of the Project, as revised during the public hearing process.

After conducting its own internal departmental review and analysis of the proposed Project through the screencheck process, the DRP circulated copies of the preliminary DEIR to all affected County agencies for a 45-day review period. Interested County agencies provided written comments on the document, and those comments were incorporated within, appended to and made a part of the DEIR.

The DEIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on December 5, 2005, when a notice of completion was sent to the State Clearinghouse. The public review period lasted 45 days. A Notice of Availability for Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and a public hearing notice was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the DEIR were also made available at DRP and in the following local public libraries, Marina del Rey County Library, Culver City Library, Loyola Village Library, and Venice-Abbot Kinney Memorial Library.

The Commission held public hearings on January 25, 2006, March 1, 2006, April 19, and June 7, 2006, when the public hearing before the Commission was closed. The DEIR review and comment period was extended to coincide with these hearings.

Detailed responses to the comments received regarding the Project and the analyses of the DEIR were prepared with assistance by a private consultant, reviewed,

and revised as necessary to reflect the County's independent judgment on issues raised. These Responses to Comments are embodied in the FEIR.

On December 13, 2006, the Commission made the following environmental findings and certified the FEIR and adopted orders approving the Project Parking Permit, the Variance and the Coastal Development Permit.

The FEIR has been prepared by the County in accordance with CEQA, as amended, and State CEQA Guidelines and County Environmental Document Reporting Procedures and Guidelines for the implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State CEQA Guidelines, which allow acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The Department of Regional Planning, acting for the County, has reviewed and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

Section 1 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a less than significant level. Section 2 discusses the significant environmental effects of the Project which cannot be feasibly mitigated to a level of insignificance. Section 3 discusses the growth-inducing impacts of the Project. Section 4 discusses the alternatives to the Project discussed in the FEIR. Section 5 discusses the mitigation-monitoring program for the Project. Section 6 contains the Statement of Overriding Considerations. Section 7 contains the Section 15091 and 15092 findings. Section 8 contains the Section 21082.1(c)(3) findings. Section 9 identifies the custodian of the record upon which these findings are based. Section 10 discusses *de minimis* impacts on fish and wildlife. Section 11 discusses the relationship between these findings and the DEIR and FEIR. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

SECTION 1

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

All FEIR mitigation measures (as set forth in the Mitigation Monitoring Plan attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Project Coastal Development Permit, Parking Permit and Variance. In addition, the other conditions of approval for the Project Coastal Development Permit, Parking Permit and Variance further mitigate the potential effects of the Project.

The Commission has determined, based on the FEIR, that Project design features, mitigation measures and conditions of approval will reduce Project-specific impacts concerning geotechnical and soil resources, hydrology and water quality, visual quality, traffic/access, solid waste, water service and sewer service to less than significant levels. The Commission has further determined, based on the FEIR, that there are no significant cumulative impacts, or that Project design features, mitigation measures and conditions of approval will reduce the Project's contribution to less than cumulatively considerable levels, concerning geotechnical and soil resources, noise, hydrology and water quality, air quality, visual quality, water service and sewer service.

Project Impacts

(1) Geotechnical and Soil Resources

Potential Effect

The Project site is not traversed by any known active fault; however, the site is in a seismically active area and has a potential ground acceleration of 0.5g that could occur during a seismic event. During a moderate or major earthquake occurring close to the site, proposed Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction within the less dense silty sand, sand and silt soils.

The existing fill and upper native soils are not suitable for support of the proposed structures. In addition, due to high groundwater, de-watering may be required within the proposed excavation area during construction. Surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, potential geotechnical and soil resource impacts from the proposed Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state and federal regulations, such as the Uniform Building Code and Los Angeles County Building Code for seismic safety. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Geotechnical and Soils Resource impacts are discussed on pages 5.1-1 to 5.1-13 of the DEIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground-shaking to less than significant levels. A soil gas survey of the Project site (Appendix 5.1(B) of the DEIR) concluded that there were no significant concentrations of VOCs or methane in the soils above the water table. Therefore, impacts from soils gases will be less than significant. The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

Fault Rupture, Seismic Ground Shaking, Landslides:

- 5.1-1 Proposed structures shall be designed in conformance with the requirements of the 1997 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4.

Liquefaction:

- 5.1-2 Remedial measures shall be taken to limit lateral deformation and subsidence by installation of ground improvements as discussed in the URS geotechnical investigation titled *Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005*. The structures shall be founded on a pile foundation system, or an equivalent system acceptable to the County, designed for static loads as well as the lateral and vertical drag loadings from earthquake-induced liquefaction and lateral deformation.
- 5.1-3 The proposed structures shall be placed on a pile foundation system, or an equivalent system acceptable to the County, with a minimum tip depth 45 feet below grade, or elevation -30 feet, whichever is deeper. These parameters would result in at least five feet of embedment into the site's underlying sand layer. Such piles may be designed for a dead-plus-live allowable axial compression bearing capacity of 45 ksf (factor of safety of 4) in addition to the friction values

presented in the *Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005*. Piles embedded between 52 and 60 feet below grade may be designed for the allowable 60 ksf bearing capacity indicated in section 5.5 of the URS report titled *Geotechnical Investigation; Proposed Apartment Complex, The Shores, Marina del Rey, California [May 8, 2001]*. For reference purposes, all geotechnical reports are incorporated in this Draft EIR in **Appendix 5.1**.

Expansive Soils:

- 5.1-4 Any import material shall be tested for expansion potential prior to importing.
- 5.1-5 Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.

Soil Erosion:

- 5.1-6 Precautions shall be taken during the performance of site clearing, excavations and grading to protect the project from flooding, ponding or inundation by poor or improper surface drainage.
- 5.1-7 Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.
- 5.1-8 Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- 5.1-9 Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.

5.1-10 Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.

5.1-11 For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.

5.1-12 Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.

5.1-13 Landscaping shall be kept to a minimum and, where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.

5.1-14 Roof drains shall be directed off the site.

Wastewater Disposal: No mitigation measures are proposed or are required.

Soil Gas:

5.1-15 If deemed necessary by the County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems.

General Mitigation Measure:

5.1-16 The project shall incorporate any additional design recommendations as defined in the URS geotechnical investigation, dated May 8, 2001, and the update letter to this report, dated June 2, 2005.

(2) Hydrology and Water Quality

Potential Effect

Development of the Project has the potential to change runoff patterns and increase flows. In addition, the Project could result in potentially significant impacts with respect to erosion, sedimentation and water quality impacts (pollution from non-point sources) during demolition, construction and operation.

Finding

With implementation of the conditions of approval and design features incorporated into the Project, potential flooding, erosion, sedimentation or water quality impacts from the proposed Project will be reduced to a less than significant level by minimizing pollutants and sedimentation from entering the storm drain system. The Applicant would implement accepted material storage procedures, spill prevention and other Best Management Practices (BMP) such as street and storm drain management. Additionally, the project will comply with Section 402(p) of the Federal Clean Water Act (CWA) regulatory standards for construction storm water discharging under the National Pollutant Discharge Elimination System (NPDES). Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Hydrology and water quality impacts are discussed on pages 5.3-1 to 5.3- 12 of the DEIR. The Project site is presently developed and generates surface runoff that is discharged into an existing stormwater drainage collection and conveyance system in the Dell Avenue alley and Via Marina due to the incorporation of eight bio-swales in the proposed Project. A decrease in surface water runoff during a 25-year storm is anticipated as a result of Project implementation. During a 25-year storm event in the existing condition, the site generates approximately 13 cubic feet per second (cfs) of site runoff. Post-project runoff would total approximately 11 cfs. Future on-site storm drainage improvements would be designed to accommodate post-development flows during a 25-year storm event. No significant flood impact is expected.

If dewatering is required during construction, the water will be disposed of in accordance with an NPDES permit or other applicable regulations, so no significant impacts will result from dewatering.

The Project applicant will be required to obtain an NPDES permit and prepare an SWPPP that would indemnify BMPs to reduce water quality impacts during construction and demolition to less than significant levels.

During operation, the bio-swales will capture and treat surface runoff before it enters the storm drain system, and implementation of BMPs will further reduce post-construction water quality impacts. Implementation of accepted materials storage procedures, spill prevention and other “good housekeeping” practices will also minimize pollutants and sedimentation entering into the adjacent storm drain system. The Project will not result in significant water quality impacts during operation.

(3) Visual Quality

Potential Effect

The Project will result in increased height and massing that could be viewed as being out of character with existing uses proximal to the Project site to the south and west. The Project also has the potential to block views, cast shadows on adjacent properties, and add introduce light and glare.

Finding

Changes or alteration have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Finding a) by designing a project that does not affect water views of the Marina or other natural features. With implementation of the conditions of approval and design features incorporated into the Project, potential visual quality impacts from the proposed Project will be reduced to a less than significant level.

Facts

Visual quality impacts are discussed on pages 5.5-1 to 5.5-20 of the DEIR. The Project site is located in a highly urbanized area and is currently developed with a two-story apartment project. The Project is consistent with height, massing and density standards defined in the Marina del Rey Local Coastal Program ("certified LCP") for the subject Parcels 100 and 101. As defined in the Marina del Rey Land Use Plan (a component of the certified LCP), replacement of Phase 1 marina development is to be more physically intensive, in terms of building height and massing and development density, and the Project is anticipated to be similar to future projects proposed and ultimately to be developed in Marina del Rey. A high-rise structure is presently developed due north of the Project site (Kingswood Village) and structures of the height being proposed in the subject Project are permitted for development due east of the Project site, across Via Marina. In addition, the Project has been reviewed and approved by the Design Control Board, which required design changes to minimize potential aesthetic impact. Furthermore, perimeter landscaping is proposed that would reduce the exposure of the building facades, eliminate off-site views of upper portions of the parking structure and incrementally reduce the light and glare effects of the Project. For these reasons, impacts to the visual resource environment will be less than significant.

Shadows from the Project would, at the Summer Solstice, shade residential structures situated to the west would be shaded in the morning from sunrise to approximately 7:40 a.m. Therefore, the Project would cast shadows on the residential structures situated to the west for an additional 90 minutes in the a.m. period at the Summer Solstice. This time duration would decrease before and after the Summer Solstice. The threshold standard defined by the County can be considered qualitative. As the residential land uses situated west of the project site are located in the City of Los Angeles, it would be appropriate to use the more quantitative City thresholds. Even

under these more quantitative standards, shade impacts associated with the Project are not considered significant.

Given that the Project is similar in type to the existing and under construction apartments and incorporates no unusual design elements that would foster glare or nighttime light, the Project will not result in any significant light or glare impacts.

(4) Traffic/Access

Potential Effect

Project traffic has the potential to add to congestion on local streets, arterial streets and intersections and regional transportation facilities. The Project could result in spill over parking impacts on surrounding streets if insufficient onsite parking is provided.

Finding

With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, the potential impacts on traffic identified in the FEIR will be reduced to a less than significant level. These measures, as recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Plan (TIP), include specific detailed transportation and circulation improvements designed to fully mitigate the traffic generation of the Phase II development in the Marina. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Traffic/access impacts are discussed on pages 5.6-1 to 5.6-47 of the DEIR. Upon completion, the Project will generate approximately 1,354 net new daily trips, with

approximately 120 net new trips coming occurring during the AM peak hour and 111 net new trips coming during the PM peak hour. For Project traffic only, at the 18 intersections evaluated, the project would significantly impact one intersection (Lincoln Boulevard/Washington Boulevard). This impact would be fully mitigated through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan TIP. The TIP includes specific detailed transportation and circulation improvements designed to fully mitigate the traffic generation of the Phase II development in Marina del Rey. It should be noted that short-term impacts may occur should the Project become operational prior to implementation of the planned traffic improvements proposed at this intersection.

Based on the existing and forecast traffic patterns in the project vicinity, the Project will add only nominal amounts of traffic to Via Dolce west of the Project site, due to the availability of signalized project access at Panay Way/Admiralty Loop and Via Marina, and the accessibility of all Project driveways from that key location. The Project will add total net traffic of approximately 95 daily trips to Via Dolce, including 10 trips in the AM peak hour, and 7 trips in the PM peak hour. The Project will add only 215 daily trips, including 14 trips in the AM peak hour, and 20 trips in the PM peak hour to Dell Avenue. These amounts of new traffic on Via Dolce and Dell are well below the level of traffic that would create quantifiable effects on either roadway.

The Project would not add 50 or more trips to any CMP intersection. The Project's maximum peak hour generation (120 trips) is less than the CMP threshold of 150 peak hour trips. Therefore, the Project would not result in a significant impact to the regional transportation system.

The LCP establishes a PM peak hour vehicle trip cap for Marina Del Rey Second Generation development (of which the Project is a part) of 2,750 vehicle trips. The Project and all other currently pending development projects subject to the LCP would only generate 681 PM peak hour trips, or less than 25% of the maximum amount

allowed. The LCP identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Project and the other projects will be assessed a trip fee of \$5,690 per PM peak hour trip. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 1,088 resident and visitor parking spaces will be provided for the 544 residential units. An additional nine surface parking spaces will be provided for public use at the Project's Admiralty Loop frontage. As this amount of parking is in excess of County requirements, the Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

5.6-1 The project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works (DPW), pursuant to the Marina del Rey Specific Plan TIP. This fee is intended to fund the Category 1 (local Marina) and Category 3 (regional) roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips that leave the Marina (regional trips). The County's traffic mitigation fee structure is currently \$5,690 per PM peak-hour trip. Based on the expected Project trip generation of 111 net-new PM peak-hour trips, the Project shall be required to pay \$631,590.00. Of this amount, \$176,712 shall go toward Category 1 transportation improvements and the remaining \$454,878.00 shall go toward Category 3 transportation improvements.

The DPW prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, the Applicant's payment of the above-

described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following mitigation measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this Project to less than significant levels:

5.6-2 Lincoln Boulevard & Mindanao Way – Widen Lincoln Boulevard, and relocate and narrow the exiting median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey Local Implementation Program.

(5) Solid Waste

Potential Effect

Implementation of the proposed Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project will reduce the Project's potential impacts with respect to solid waste a less than significant level. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Solid waste impacts are discussed on pages 5.7-1 to 5.7-19 of the DEIR. Demolition of the existing uses would generate approximately 88,000 cubic yards (cy) of solid waste, and construction debris would add an additional 4,576 cy of solid waste. The Project will comply with existing County laws require recycling and reuse of construction and demolition debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Project will not result in a significant solid waste impact during construction.

During operation, the Project would generate a net increase of solid waste generation of approximately 2,193 pounds/day over existing on site uses. This quantity represents a worst case scenario, with no recycling. However, the Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operation solid waste by approximately 50 percent. County landfills have sufficient capacity to accommodate the Project's solid waste; therefore, the Project will not result in any operational solid waste impacts.

The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

- 5.7-1 Consistent with Title 20, Chapter 20.87 of the Los Angeles County Code, the project proponent shall provide a Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. Documentation of this recycling program will be provided to the DPW, prior to the issuance of the Demolition and Grading permits.
- 5.7-2 To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by The Shores

project applicant. This plan shall be reviewed and approved by the DPW. The plan shall identify methods to promote recycling and reuse of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods could include locating recycling bins in proximity to dumpsters used by future on-site residents.

- 5.7-3 The Shores project applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

(6) Water Service

Potential Effect

The Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Project.

Finding

Changes or alteration have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Finding a) by constructing waterline improvements subject to the satisfaction of the DPW. The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

Facts

Water service impacts are discussed on pages 5.8-1 to 5.8-10 of the DEIR. Water is provided to the Project site by the DPW (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Project would consume approximately 95,150 gallons of water per day (gpd). This represents a net increase of approximately 57,057 gpd over existing water use on the Project site. However, entitlements for water have been secured and are adequate to serve existing uses and projected growth in Marina del Rey, including the Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of County-approved improvements. The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

- 5.8-1 Prior to the issuance of occupancy permits, The Shores project applicant shall improve, to the satisfaction of the DPW, water lines in Marquesas Way and Dell Avenue.
- 5.8-2 The Shores project shall prepare a landscape plan that meets all provisions of Title 26 of the Los Angeles County Code, Chapter 71, Water Efficient Landscaping.
- 5.8-3 The Shores project shall incorporate into the building plans water conservation measures as outlined in the following:
 - State of California Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
 - Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and
 - Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.

(7) Sewer/Wastewater Service

Potential Effect

The Project will increase wastewater generation over existing on-site uses, which could be considered a significant impact unless sufficient capacity exists both in the local sewer line network (conveyance system) and at HTP (receptor site).

Findings

Implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project will reduce the potential sewer service impacts identified in the FEIR to a less than significant level. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Sewer service impacts are discussed on pages 5.9-1 to 5.9-11 of the DEIR. Operation of the Project would generate a net increase of approximately 95,150 gallons per day (gpd) of wastewater. This represents a net increase of approximately 57,057 gpd when compared to existing uses. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the DPW. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant ("HTP"). The HTP currently has adequate capacity to treat sewage generated by the Project. In addition, the existing County 12-inch sewer main and City of Los Angeles downstream facilities have sufficient capacity to serve the Project. Further, the Applicant shall pay the required sewer connection and capacity fees that are utilized by DPW to fund expansion of facilities. The above finding is made in that the following

mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

- 5.9-1 Prior to issuance of building permits, the Applicant shall demonstrate sufficient sewage capacity for the proposed Project by providing a “will serve” letter from the DPW Waterworks and Sewer Maintenance Division.
- 5.9-2 Prior to issuance of building permits for the Project, the Applicant shall pay a one-time Sewer Facilities Charge to the City of Los Angeles, as required, to account for the increase in sewage generation.

Cumulative Impacts

(1) Cumulative Geotechnical and Soil Resources

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project site. These related projects (pages 4.0-9 to 4.0-10 of the DEIR), in conjunction with the Project, may potentially result in cumulative geotechnical and soil resource impacts.

Finding

The Project and the related projects will not cause any cumulative geotechnical and soils resource impacts through compliance with current building and seismic safety codes and other applicable laws and regulations. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative geotechnical and soil resource impacts are discussed on page 5.1-12 of the DEIR. Geotechnical impacts are generally site specific rather than cumulative in nature. Each development site is subject to, at a minimum, uniform development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Development of projects that are pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County or other applicable governmental requirements as they pertain to protection against known geologic hazards.

(2) Cumulative Noise

Potential Effect

Significant cumulative noise impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the related projects are constructed and operational.

Finding

The Project and related projects will comply with local noise ordinances. Cumulative traffic noise will not exceed applicable thresholds of significance. The cumulative impacts of the Project and related projects with respect to noise are not significant. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative noise impacts are discussed on pages 5.2-24 to 5.2-25 of the DEIR. All construction activities would be subject to the requirements of the “County of Los Angeles Construction Equipment Noise Standards” and the Noise Control Ordinance of the County of Los Angeles (LACC 12.08.440) or similar ordinances in other jurisdictions. Compliance with the County’s Noise Ordinance, along with incorporation of mitigation recommended as part of each project’s environmental review, would adequately mitigate cumulative construction-related noise impacts.

Under the adopted threshold of significance, significant cumulative noise impacts will occur if cumulative traffic increases noise levels at noise-sensitive land uses 5 dB(A) or more, if noise levels remain within the normally acceptable range, or 3 dB(A) if noise levels change from normally acceptable to conditionally acceptable. In this case, cumulative noise increases from traffic along the identified road segments adjacent to sensitive land uses would be less than 3 dB(A) at all locations, except for Marquesas Way, east of Via Marina. However, the noise level would remain within the normally acceptable range even with the increase. Therefore, cumulative operational noise impacts will be less than significant.

(3) Cumulative Hydrology and Water Quality

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project. These projects, in conjunction with the Project, could have a significant cumulative impact on hydrology and drainage.

Finding

The Project and related Projects would meet the local jurisdiction and Regional Water Quality Control Board water quality requirements. The cumulative impacts of

the Project and related projects with respect to hydrology and water quality are not significant. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative hydrology and water quality impacts are discussed on pages 5.3-11 to 5.3-12 of the DEIR. All cumulative projects within the tributary watershed are required to meet the same general flood control and water quality requirements as the Project. The requirements will be identified by the local jurisdiction and the Regional Water Quality Control Board and will include prohibitions on significant increases in post-development stormwater flows and stormwater velocities into the small craft harbor. Since the Project would not represent a significant change in hydrological or drainage conditions, its contribution to cumulative impacts is negligible. Other projects can be expected to be similarly conditioned such that no significant cumulative impacts will occur.

(4) Cumulative Air Quality

Potential Effect

Significant cumulative air quality impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once these projects are constructed and operational.

Finding

The Project is consistent with the South Coast Air Quality Management District and the Air Quality Management Plan (AQMP) forecast in the area. Therefore, no

potentially significant cumulative air quality impacts would occur. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative air quality impacts are discussed on pages 5.4-26 to 5.4-31 of the DEIR. Cumulative CO emissions from the Project and related projects would not cause the applicable 1-hour or 8-hour standards to be exceeded at area intersections. The ratio of Project ADT to Countywide ADT is less than the ratio of Project population to Countywide population. Moreover, as the Project is within the growth forecasts in Southern California Association of Government's Regional Comprehensive Plan and Guide, it would be consistent with the AQMP and would therefore not jeopardize attainment of state and federal ambient air quality standards in the South Coast Air Basin.

The wind study by RWDI attached as an appendix to the DEIR (Appendix 5.4(C)) expressly considered potential cumulative impacts from the Project and expected future development in the area. The analysis shows that the Project and related projects will not affect existing wind conditions in Marina Del Rey.

(5) Cumulative Visual Quality

Potential Effect

As Phase II Marina del Rey development becomes more prominent, the existing visual character of the Marina del Rey community will be altered. Larger and taller structures will become more commonplace in the Marina, which will increase development intensity. The potential exists that, when all Phase II development is

viewed cumulatively, impacts to visual quality within the Marina del Rey community could be considered significant, given the intensification of development that will occur.

Finding

The Project has received conceptual approval from the Design Control Board (DCB) and will be constructed to not exceed the height requirements and is designed to meet the massing and height requirements. Related projects are expected to also conform to height requirements and to be reviewed and approved by the DCB. The Project and the related project will not result in any cumulative visual resource impacts. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative visual quality impacts are discussed on pages 5.5-19 to 5.5-20 of the DEIR. Only those related projects in the immediate Project vicinity (map nos. 10-22 on Figure 4.0-3 of the DEIR) could potentially result in cumulative visual quality impacts. The rest of the related projects are located sufficiently distant from the Project site so as not to result in changes to the visual environment within which the Project is located. Those related projects within the immediate Project vicinity will be required to comply with the certified LCP's height, density, view corridor and other requirements intended to reduce visual quality impacts and will be subject to design review by the DCB to further reduce such impacts. No cumulative visual quality impacts will result.

Development of the Project and the related projects would introduce new or expanded sources of artificial light. As the Project area is highly urbanized, the additional light sources represented by these projects are not of a sufficient magnitude to alter the existing artificial light environment that currently exists in the area. As a result, cumulative light impacts are concluded to be less than significant.

No cumulative shade/shadow impacts would occur, relative to sensitive uses, since no related projects are located adjacent to the Project site or in close enough proximity to result in cumulative shadows.

(6) Cumulative Water Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase development intensity and water demand, resulting in a potentially significant cumulative impact to water services.

Finding

Feasible mitigation measures such as constructing waterline improvements; implementation of water efficient landscaping and water conservation measures to address the impact of the Project and the related projects would reduce cumulative those impacts to a less than significant level. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative water services impacts are discussed on pages 5.8-9 to 5.8-10 of the DEIR. Water Works District No. 29 is presently planning and implementing capital improvements that are designed to meet the future water demand and maintain necessary flows. The entire system upgrade is anticipated to be completed by 2010. Prior to the issuance of grading permits, the applicant for each future project within Marina del Rey shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that the District is able to provide water service to the project under consideration. Grading permits shall not be issued until such time that the District indicates that the distribution system and water

supply are adequate to serve the project under review. Alternatively, the applicant of each future project under consideration Marina del Rey may construct that phased improvement identified in the Water Works District No. 29 Backbone Water Distribution Master Plan that provides sufficient water supply and fire flows to accommodate the project under consideration. With these measures, cumulative impacts with respect to water service would be less than significant.

(7) Cumulative Sewer/Wastewater Disposal

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of effluent requiring collection and treatment, resulting in a potentially significant cumulative impact to sewer services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in the local and trunk sewer lines and receiving wastewater treatment plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expenses needed to accommodate growth. As such, cumulative impacts to sewage collection, treatment and disposal would be less than significant. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact.

Facts

Cumulative sewer service impacts are discussed on page 5.9-10 of the DEIR. Treatment capacity at the Hyperion Treatment Plant is available to serve the

wastewater that is estimated to be generated by cumulative projects within Marina del Rey. In addition, each future project is required to provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects and would avoid a significant cumulative impact.

Section C.12 of the Marina del Rey Land Use Plan (the "LUP") addressed potential impacts on sewer capacity resulting from full buildout under the LUP. The LUP contains policies and actions to assure that there is proof of availability of adequate sewer facilities. The County consulted with the City of Los Angeles as part of the LUP process, and as a result the City has taken future development under the LUP in account in planning for sewer capacity infrastructure improvements. These improvements include, among other things, the upgrading of the force main from the City's Venice Pumping Station to accommodate additional flows from future development in the Marina.

As set forth in correspondence dated May 30, 2006 from the DPW (which correspondence was attached to the June 1, 2006 Staff Report to the Commission), the DPW recently completed a comprehensive sewer area study that analyzed the cumulative sewage flows from all current and planned development in the Marina. The study, which is on file with the DPW, identified approximately 1.25 miles of sewer pipe upgrades at a cost of \$2.5 million. The upgrades will be phased in over a four-year period. Funding will come from the Marina Replacement ACO fund. The study shows that the section of sewer pipe into which the Project would discharge sewage has sufficient capacity to accommodate the Project and the related projects that would tie into this section of pipe.

SECTION 2
SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH
CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The County has determined that, although FEIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the Project will reduce the following effects, these effects cannot be feasibly or effectively mitigated to less than significant levels. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6).

(1) Noise

Potential Construction Related Effects

Implementation of the Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the FEIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Noise impacts are discussed on pages 5.2-1 to 5.2-26 of the DEIR. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (County Code Title 12, Chapter 8). In addition, Project construction-related noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction-related noise would still periodically exceed County standards for exterior noise levels. Project construction activities, especially pile driving, would result in significant and unavoidable vibration impacts.

Noise level increases generated by Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

5.2-1 All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state and local standards, the applicant shall maintain an equipment log. The log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. The log shall be submitted to the DPW for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses that preclude all sight-lines from the equipment to the residential land use(s). As the project is constructed, the use of building structures as noise barriers would be sufficient.

The County Building Official or a designee should spot check to ensure compliance.

- 5.2-2 Construction activities shall be restricted to between the hours of 8:00 AM and 5:00 PM in order to minimize construction and haul route activities that would create noise disturbance on surrounding residential and commercial real property line.
- 5.2-3 Occupants/tenants of the surrounding sensitive land uses shall be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register complaints or questions regarding project activities.
- 5.2-4 The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain contact information, the type of project, anticipated duration of construction activity and a hotline phone number to register complaints.
- 5.2-5 Grading work shall be kept between the hours of 8:00 AM and 5:00 PM Monday through Friday. Noise generated by the project shall remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440. However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB(A) (L25) during any hour that construction activities are in operation. These standards shall apply for any period of time during construction that compliance is technically and economically feasible.
- 5.2-6 All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant in conjunction with the County of Los Angeles Sheriff's Department to monitor mobile sources as necessary, contingent upon the Sheriff's Department acceptance of a monitoring agreement.
- 5.2-7 Vibration associated with the operation of any device capable of exceeding the vibration perception threshold (motion velocity) of 0.01 in/sec over the range of 1 to 100 hertz) at or beyond the property boundary on private property, or at 150 feet from the source if on a public space or public right of way is prohibited.

- 5.2-8 The project applicant shall consult with an engineer regarding available technology for the noise attenuation of the Pile Driver equipment. Past operation of this device has resulted in levels above 105 dB(A) 75 feet away from the equipment. Reports shall be provided to the County of Los Angeles Department of Health Services, Public Health Division, prior to grading.

(2) Air Quality

Potential Construction-Related Effects

Implementation of the Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationary sources, heavy equipment, construction vehicle use and energy use.

Potential Operation-Related Effects

Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space and water heating and cooking, the operation of gasoline-powered maintenance equipment and use of consumer products such as hair sprays, lighters and household cleaners. The Project has the potential to alter wind patterns in the Marina but to a less than significant level (see pages 5.4-23 to 5.4-24 of the DEIR).

Finding

The construction-related air quality impacts identified in the FEIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts on air quality and wind impacts would be less than significant. The mitigation measures set forth at page 5.4-29 of the DEIR are rejected as infeasible for the reasons set forth on that page. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to VOCs and NOx. In addition, the Project would cause localized significant impacts with respect to PM10.

Operation of the Project would not exceed the threshold of significance of any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Project study area.

The RWDI wind study concludes that the Project will not affect wind patterns in the Marina (see Appendix 5.4(C) of the DEIR). Given that the existing residential uses west of the project occur to windward, the Project would not have a measurable effect on air circulation for those residential structures given prevailing wind patterns. During those conditions when wind occurs from the east, residential structures located west of the project site would expect some variation in wind speed and direction. However, during an east wind, air circulation west of the project would be similar to that presently experienced.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6). The following mitigation measures will partially mitigate the identified impacts:

- 5.4-1 Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
- a. Configure construction parking to minimize traffic interference.
 - b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).

- c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
- d. Re-route construction trucks away from congested streets.
- e. Consolidate truck deliveries when possible.
- f. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
- g. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
- h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
- i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
- j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

5.4-2 Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:

- a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
- b. Replace ground cover in disturbed areas as quickly as possible.
- c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.

- d. Water active grading sites at least twice daily.
- e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- f. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
- g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
- i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- k. Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.

5.4-3 In the event asbestos is identified within existing on-site structures, the Project Applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

(3) Cumulative Traffic/Access

Potential

Traffic generated by the Project and the related projects have the potential to add congestion to area streets and regional transportation facilities.

Finding

As to intersections which are wholly outside of the County's jurisdiction, or those intersections which the County may retain shared jurisdiction with the City of Los Angeles or Caltrans, mitigation measures are infeasible as these other jurisdictions have no reasonable, enforceable plans or programs sufficiently tied to the actual mitigation of the traffic impacts at issue. Therefore, in an abundance of caution, the FEIR finds that, although the applicant will mitigate the Project's contribution wherever possible, cumulative impacts will remain significant at some intersections outside of the County's exclusive jurisdiction and the Project's contribution to these impacts will be cumulatively considerable. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Cumulative traffic impacts are discussed on pages 5.6-36 to 5.6-46 of the DEIR. Project plus cumulative traffic would significantly impact ten intersections. Five of the ten intersections are under the jurisdiction of the County. To implement mitigation measures at these five County intersections, the DPW has established a transportation improvement fund. The Project would be required to pay \$631,590 in trip mitigation fees, \$176,712 of which will go toward Category 1 transportation improvements, and \$454,878. of which will go toward Category 3 transportation improvements. The Project will also contribute (beyond the required LCP funds) its fair share amount to a new

traffic signal at the modified Washington Boulevard/Palawan Way intersection. Implementation of these planned improvements would fully mitigate impacts to intersections occurring in the County of Los Angeles. It should be noted that short-term impacts may occur should the project become operational prior to implementation of the planned traffic improvements proposed at this intersection.

Significant cumulative traffic impacts would occur at five intersections that are located wholly outside or that have shared jurisdiction with the City of Los Angeles or Caltrans. For these intersections, physical improvements are infeasible as there are no reasonable, enforceable plans or programs sufficiently tied to the actual mitigation of the traffic impacts at issue. As set forth on page 5.6-45 of the DEIR, if the County, the City of Los Angeles and Caltrans agree on a funding mechanism to implement the recommended traffic improvements prior to building occupancy, the applicant, where appropriate, will pay its fair share of required transportation improvements. However, because of the uncertainty of implementation of mitigation for intersections outside the control of the County, cumulative impacts are considered to remain significant at the impacted intersections outside the County and the Project's contribution to these impacts cumulatively considerable.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6). The following measure will reduce the identified impacts:

The Applicant shall pay the traffic mitigation fee imposed by the DPW, pursuant to the Marina del Rey Specific Plan TIP. This fee is intended to fund the Category 1 (local Marina) and Category 3 (regional) roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips that leave the Marina (regional trips). The County's traffic mitigation fee

structure is currently \$5,690 per PM peak-hour trip. Based on the expected Project trip generation of 111 net-new PM peak-hour trips, the Project shall be required to pay \$631,590. Of this amount, \$176,712 will go toward Category 1 transportation improvements and the remaining \$454,878 will go toward Category 3 transportation improvements.

The DPW prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, the Applicant's payment of the above-described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this Project to less than significant levels:

Lincoln Boulevard & Mindanao Way – Widen Lincoln Boulevard, and relocate and narrow the exiting median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey Local Implementation Program.

Pro-rata contribution to signal installation and intersection improvements at Washington Boulevard & Palawan Way – The Applicant shall make a pro-rata financial contribution, in an amount to be determined by the DPW, to fund intersection improvements and the installation of a traffic signal at the Washington Boulevard/Palawan Way intersection.

(4) Cumulative Solid Waste

Potential Effects

Implementation of the proposed Project, together with the related projects, would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

The cumulative solid waste impacts identified in the FEIR cannot be mitigated to a less than significant level and the Project's contribution to these impacts will be cumulatively considerable. However, conditions of approval such as a solid waste management plan incorporated into the Project would reduce, to the extent feasible, the adverse environmental effects. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Cumulative solid waste impacts are discussed on pages 5.7-17 to 5.7.19 of the DEIR. The Project and the related projects would generate a net increase of solid waste generation of approximately 33,553 pounds/day. These quantities represent a worst case with no recycling. Recycling could reduce cumulative solid waste generation by 50 percent. However, because an adequate supply of landfill space has not been approved beyond 2017, and existing hazardous waste facilities are inadequate, cumulative solid waste impacts are considered significant and the Project's contribution to these impacts are cumulatively considerable.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

SECTION 3

GROWTH INDUCING IMPACTS OF THE PROJECT

Potential Effect

Development of the Project has the potential to induce growth by fostering economic or population growth or construction of additional housing either directly or indirectly.

Finding

The proposed Project does not meet a growth-inducing criterion specified under State CEQA Guidelines (Section 15126.2(d)), and, therefore, the proposed Project is not considered to be growth inducing.

Facts

Growth inducing impacts are discussed on pages 9.0-1 to 9.0-3 of the DEIR. The following facts support the above finding:

(1) Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth. A network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure for the Project is already in place. The Project would connect to existing infrastructure, with some off-site improvements necessary to meet Project demands. Off-site improvements include traffic capacity enhancing improvements at area intersection and new water lines to accommodate necessary water flows. These improvements would serve the Project, but would also allow for more intensive development on other Marina del Rey parcels that could utilize these infrastructure components. However, these improvements and the associated increase in development intensity are consistent with already adopted and approved policies of the Marina del Rey Land Use Plan that promote recycling of Phase

I Marina del Rey development with more intensive uses. In addition, no new service lines (e.g., storm drain, electricity, telephone, roadways, etc.) other than those required to serve the proposed uses are to be constructed. Therefore, the Project would not induce growth through introduction or expansion of infrastructure.

(2) Urbanization of Land in Remote Locations

The Project is a redevelopment of improved property and is situated in an existing developed urban community. As a result, the proposed Project will not “leapfrog” over any undeveloped area or introduce development into a previously undeveloped area.

(3) Economic Growth

Project development would increase population, housing and employment opportunities within Marina del Rey. Short-term construction employment opportunities, however, are likely to be filled by the existing Los Angeles metropolitan labor market. Moreover, increases in population, housing and employment generated by the Project at completion would not result in increases above that anticipated by SCAG or planned for in the Marina del Rey Specific Plan. On those bases, the Project is not considered growth inducing. Rather, it can be considered growth accommodating.

(4) Precedent Setting Action

The Project requires a number of discretionary actions on the part of the Los Angeles County Department of Regional Planning, and the Regional Planning Commission. Approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 4

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the FEIR constitute a reasonable range of alternatives necessary to permit a reasoned choice. The FEIR concluded that the “No Project” Alternative was the environmentally superior alternative. However, as specified in the *State CEQA Guidelines* (Section 15126.6(e)(2)) if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the alternatives considered, Alternative 3, the “Rehabilitation of Existing Structures Alternative,” was considered the environmentally superior alternative. However, these alternatives and the other alternatives analyzed in the DEIR and FEIR are rejected as infeasible for the specific economic, legal, social, technological or other considerations set forth below.

Alternative 1 - The "No Project" Alternative

Description of Alternative

Under this alternative, the Project site would remain in its present condition with improvements as they exist.

Comparison of Effects

None of the potential Project-related impacts identified in the FEIR would occur under the “No Project” alternative. The selection of the “No Project” alternative, however, is not consistent with policies defined in the Marina del Rey Specific Plan. The Specific Plan is directed towards guiding and encouraging recycling, intensification, or conversion of Phase I development consistent with policies that place high priority on development of boating and visitor-serving facilities. The purpose behind

encouraging the change and expansion of selected land uses within Marina del Rey includes implementation of the policies of the California Coastal Act, encouragement of controlled change over the next thirty years rather than face the prospect of major simultaneous change when the bulk of the leases expire after the year 2020, correcting existing problems and replacing physically obsolete structures. The objectives are designed to build upon the success of existing uses in Marina del Rey via the creation of opportunities for selective reconstruction at higher intensities and enhancing visitor-serving uses, public access and coastal views.

Finding

The “No Project” alternative is rejected as infeasible because it fails to meet any of the objectives identified in the DEIR, would not provide any of the Project benefits as set forth herein, and is not consistent with the policies defined in the Marina del Rey Land Use Plan (“LUP”).

Facts

The “No Project” Alternative would not provide increased coastal residential opportunities with designs that emphasize coastal views, would not provide coastal residential opportunities for moderate-income and very low-income households, would not increase coastal access and viewing opportunities, would not enable the County to obtain higher ground rents, and, contrary to objectives of the LUP, would not provide development to replace the aging first phase of development from the 1960’s in Marina del Rey with new development which better serves the current demand for housing. The LUP guides and encourages the recycling and intensification of Phase 1 development.

Alternative 2 – Provision of Affordable Housing

Description of Alternative

The Provision of Affordable Housing Alternative would involve the construction of 780 units, including 156 affordable units, pursuant to the density bonus provisions of applicable County and state law. This number of units would require four levels of subterranean parking (three more than the Project), and an overall height of 115 feet (40 more than the Project).

Comparison of Effects

Like the Project, this alternative would result in significant unavoidable effects with respect to construction air quality, construction noise and vibration, cumulative traffic and cumulative solid waste. Use related impacts (i.e., traffic, water, sewage, solid waste, and utilities) associated with this alternative would be greater than the proposed Project due to the greater number of dwelling units but not still less than significant. Unlike the Project, this alternative would result in a significant unmitigatable impact with respect to visual resources.

Finding

The Provision of Affordable Housing Alternative would result in greater environmental impacts than the Project and is therefore rejected on environmental grounds.

Facts

Under this alternative, building height would be substantially greater than the Project. As a result, the buildings would be more visible and would not be in character with surrounding uses to the west, south and east. In addition, the additional levels of subterranean parking as compared to the Project would require more excavation and hauling, which would generate more construction noise and emissions than the Project. Use related impacts (i.e., traffic, water, sewage, solid waste, and utilities) associated with this alternative would also be greater than the Project.

Alternative 3 – Rehabilitation of Existing Structures

Description of Alternative

This alternative would involve rehabilitation of the existing structures onsite and the addition of one more floor. There are currently 202 apartment units on site. The additional floor would yield approximately 101 additional units for a total of 303 units. Demolition of the structures and site grading would not occur under this alternative. The intent of this alternative is to reduce the Project's unavoidable significant impacts with respect to construction noise and air quality.

Comparison of Effects

Because it would result in fewer dwelling units, this alternative would result in an approximately 42 percent reduction in traffic generation, and a commensurate reduction in operational air quality and noise impact. It would also result in less solid waste and sewage generation and water consumption than the Project. It would also have reduced impacts regarding construction noise and air quality. Due to its reduced scale as compared to the Project, this alternative would also incrementally reduce impacts on the visual resources environment. Unlike the Project, this alternative would result in a significant adverse parking impact.

Finding

The Rehabilitation of Existing Structures Alternative is rejected as infeasible because it would not meet the project objectives as fully as the Project, would result in fewer public benefits than the Project, and is technically infeasible. It is also rejected on environmental grounds.

Facts

The Rehabilitation of Existing Structures Alternative would not provide as many coastal residential opportunities, including opportunities for low-income citizens, and would not increase coastal viewing to the same extent as the Project. With fewer units,

this alternative would not support as high of rents as the Project, thereby resulting in less revenues to the County. Further, the Project architect determined that building foundations and the existing framing would not support a third story. Also, the Project site does not contain sufficient land area to provide for the number of parking spaces that would be required by County Codes under this alternative, resulting in a significant unmitigatable impact.

Alternative 4 – Above-Ground Parking

Description of Alternative

This alternative would involve construction of an above-ground, six deck parking structure containing 1,114 parking spaces on the southern portion of the Project site and a 12-story above ground residential tower with 544 apartment units on the northern portion of the site. The parking structure height would be approximately 62 feet above finished grade, and the residential tower height would be approximately 120 feet above finished grade. No below-grade parking is proposed as part of this alternative. Due to the increased height and mass of the structures compared to the Project, the overall construction period would be 28 months instead of 25 months.

Comparison of Effects

The Above-Ground Parking Alternative would be similar in scale to the Project and would result in similar impacts with respect to traffic, operational air quality and noise, hydrology, solid waste and water and sewer service. Further, given a similar building footprint, it is expected that impacts associated with the hydrology and water quality environments would be similar. This alternative would not include subterranean parking and would therefore require less excavation than the Project. However, the resulting decrease in construction noise and air quality impacts would be substantially offset by the additional emissions resulting from the longer overall

duration of construction. Unlike the Project, this alternative would have a significant impact with respect to visual quality.

Finding

The Above-Ground Parking Alternative would result in greater environmental impacts than the Project and is therefore rejected on environmental grounds.

Facts

Under this alternative, building height would be substantially greater than the Project. As a result, the buildings would be more visible and would not be in character with surrounding uses to the west, south and east. In addition, this alternative would result in greater shade and shadow impacts. As such, it would result in a significant impact with respect to visual resources. Other impacts of this alternative would be comparable to the Project.

Alternative 5- Additional Alternative Considered in the FEIR

Description of Alternative

Comments to the DEIR suggested that the Project site be developed with a new project but at a lower density than the proposed Project. While the DEIR already included a reduced density alternative (Alternative 3), this alternative involved rehabilitating and adding onto the existing structures. Therefore, in response to public comments the FEIR considered a variation of Alternative 3 involving new construction instead of rehabilitation. This additional alternative would be similar to the Project but with fewer units (350 vs. 554) than the Project and a lower height (three stories vs. five).

Comparison of Effects

The Additional Alternative Addressed in the FEIR would generate less traffic and less mobile noise and mobile emissions than the Project. At a lower height, the alternative would have fewer potential visual quality impacts. This alternative would also result in incrementally less demand on sewers, water supply and solid waste

disposal facilities. Geotechnical and soil resource, hydrology, construction noise and air quality impacts would be comparable to the Project.

Finding

The Additional Alternative Addressed in the FEIR is rejected as infeasible because it would not meet the project objectives as fully as the Project, would result in fewer public benefits than the Project, and would not reduce any of the Project's significant impacts to less than significant levels.

Facts

This additional alternative would not provide as many coastal residential opportunities, including opportunities for low-income citizens, and would not increase coastal viewing to the same extent as the Project. With fewer units, this alternative would support lower ground rents than the Project, thereby generating less revenue to the County. While this alternative would result in approximately 36 percent fewer trips than the Project, this trip reduction would not be sufficient to reduce cumulative traffic impacts to less than significant levels. Further, this alternative would require demolition of the existing structures and excavation for subterranean parking. Therefore, this alternative would also result in significant construction noise and air quality impacts. While the alternative would generate less solid waste than the Project, this alternative's contribution to the cumulative solid waste impact caused by a lack of identified landfill capacity beyond 2017 would be cumulatively considerable.

SECTION 5

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings and incorporated in the Project's Coastal Development Permit, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.

SECTION 6

STATEMENT OF OVERRIDING CONSIDERATIONS

The FEIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the FEIR, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on noise, air quality and unavoidable significant cumulative impacts on traffic and solid waste disposal, as identified in Section 2 of these findings.

Having reduced the significant adverse environmental effects of the proposed Project by approving the Project and adopting the conditions of approval and the mitigation measures identified in the FEIR, and having balanced the benefits of the Project against the Project's potential unavoidable significant adverse impacts, the Commission hereby determines that the benefits of the Project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the following overriding considerations:

- (1) The Project will increase coastal housing opportunities that meet projected needs in Marina del Rey by replacing existing, dated development with contemporary multi-family dwelling units with designs that emphasize coastal views, as called for in the Marina del Rey Specific Plan.
- (2) The Project will assist in the attainment of basic County goals for the provision of affordable housing by creating coastal housing for moderate-income and very low-income families.

- (3) The Project will decrease service and delivery congestion on public streets by providing on-site loading/off-loading areas and providing for or making other improvements to the area circulation system.
- (4) During the construction of the Project, construction related employment would be created. Permanent employment will also be created by the residential management uses.
- (5) The Project will result in increased revenues in the form of additional ground rents for the County as the underlying landowner of the property and lessor of the property to the Applicant.

SECTION 7

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Commission has made one or more of the following findings with respect to each of the significant adverse effects of the Project:

- a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the FEIR.
- b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing:

- a. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations set forth in the foregoing Statement of Overriding Considerations.

SECTION 8

SECTION 21082.1(c)(3) FINDINGS

Pursuant to Public Resource Code § 21082.1(c)(3), the Commission hereby finds that the FEIR reflects the independent judgment of the lead agency.

SECTION 9

CUSTODIAN OF RECORDS

The custodian of the documents or other material which constitute the record of proceedings upon which the Regional Planning Commission's decision is based is the County of Los Angeles Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.

SECTION 10

DE MINIMUS IMPACT ON FISH AND WILDLIFE

The EIR evaluated the Project's potential for adverse environmental impacts. When considering the record as a whole, there is no evidence before the Regional Planning Commission that the Project will have a potential for an adverse effect on wildlife resources or the habitat upon which wildlife depends. Based on the record of proceedings, the presumption of adverse effect set forth in 14 California Code of Regulations, Section 753.5(d), does not apply in this case. Therefore, the Regional Planning Commission finds that the Project would be de minimis in its impact on fish and wildlife.

SECTION 11
RELATIONSHIP OF FINDINGS TO EIR

These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the DEIR and the FEIR, on the one hand, and these findings, on the other, these findings shall control, and the DEIR, FEIR, or both, as the case may be, are hereby amended as set forth in these findings.

Exhibit C
Revised Mitigation Monitoring Plan*

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
GEOTECHNICAL AND SOIL RESOURCES				
Proposed project improvements would be subject to hazards associated with seismically induced settlement due to seismic shaking, as well as soil liquefaction within the less dense silty sand, sand and silt soils.	Fault Rupture, Seismic Ground Shaking, Landslides: 5.1-1. Proposed structures shall be designed in conformance with the requirements of the 1997 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4.	The applicant shall submit plans designed in conformance with UBC and County of Los Angeles Building Code requirements.	Building and Safety	During plan check
	Liquefaction: 5.1-2. Remedial measures shall be taken to limit lateral deformation and subsidence by installation of ground improvements as discussed in the URS geotechnical investigation titled <i>Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005</i> . The structures shall be founded on a pile foundation system, or an equivalent system acceptable to the County, designed for static loads as well as the lateral and vertical drag loadings from earthquake-induced liquefaction and lateral deformation.	The applicant shall provide the final geotechnical report that ensures development will not be affected by liquefaction.	Building and Safety and County Geologist	During plan check and on going during construction

* Denotes new mitigation measure included in the Draft AEA, October 3, 2008, and added to this Revised Mitigation Monitoring Plan. These include Measures 5.2-9, 5.6-3, and 5.6-4.

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
GEOTECHNICAL AND SOIL RESOURCES (continued)				
	<p>5.1-3. The proposed structures shall be placed on a pile foundation system, or an equivalent system acceptable to the County, with a minimum tip depth 45 feet below grade, or elevation -30 feet, whichever is deeper. These parameters would result in at least five feet of embedment into the site's underlying sand layer. Such piles may be designed for a dead-plus-live allowable axial compression bearing capacity of 45 ksf (factor of safety of 4) in addition to the friction values presented in the <i>Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005</i>. Piles embedded between 52 and 60 feet below grade may be designed for the allowable 60 ksf bearing capacity indicated in section 5.5 of the URS report titled <i>Geotechnical Investigation; Proposed Apartment Complex, The Shores, Marina del Rey, California [May 8, 2001]</i>. For reference purposes, all geotechnical reports are incorporated in this Draft EIR in Appendix 5.1.</p>	Field inspection	Building and Safety and County Geologist	Ongoing during construction
The project site is not located on expansive soils however; any import material shall be tested for expansion prior to importing.	<p>Expansive Soils:</p> <p>5.1-4. Any import material shall be tested for expansion potential prior to importing.</p> <p>5.1-5. Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.</p>	The applicant shall have expansion tests performed to verify expansion potential.	Department of Public Works	Grading completion
The project site is currently developed with apartment structures. Soil erosion could occur on the site.	<p>Soil Erosion:</p> <p>5.1-6. Precautions shall be taken during the performance of site clearing, excavations and grading to protect the project from flooding, ponding or inundation by poor or improper surface drainage.</p>	The applicant shall submit an Erosion Control Plan to protect the project from improper surface drainage.	Department of Public Works, Building and Safety	Prior to the issuance of grading permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
GEOTECHNICAL AND SOIL RESOURCES (continued)				
	<p>5.1-7. Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.</p> <p>5.1-8. Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.</p> <p>5.1-9. Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.</p>	Field inspections	Building and Safety	Ongoing during construction
	<p>5.1-10. Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.</p> <p>5.1-11. For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.</p>		Public Works and Building and Safety	
	5.1-12. Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.	The applicant shall record a covenant prior to issuance of a certificate of occupancy.	Public Works and Building and Safety	Prior to issuance of a certificate of occupancy
	5.1-13. Landscaping shall be kept to a minimum and, where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.	The applicant shall submit a landscape plan.	Department of Regional Planning	During plan check
	5.1-14. Roof drains shall be directed off the site.	Field inspections	Building and Safety	During plan check and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
GEOTECHNICAL AND SOIL RESOURCES (continued)				
	Soil Gas: 5.1-15. If deemed necessary by the County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems.	Field inspection	Public Works and Building and Safety County Geologist	During construction
	5.1-16. The project shall incorporate any additional design recommendations as defined in the URS geotechnical investigation, dated May 8, 2001, and the update letter to this report, dated June 2, 2005.	Plan review	Department of Public Works and County Geologist	During plan check
NOISE				
Proposed development on the site and existing development in nearby off-site areas contain a variety of land uses, some of which would be considered noise sensitive.	5.2-1. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state and local standards, the applicant shall maintain an equipment log. The log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. The log shall be submitted to the LACDPW for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses that preclude all sight-lines from the equipment to the residential land use(s). As the project is constructed, the use of building structures as noise barriers would be sufficient. The County Building Official or a designee should spot check to ensure compliance.	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Department of Public Works Building and Safety	Log submitted quarterly and during field inspections

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
NOISE (continued)				
	5.2-2. Construction activities shall be restricted to between the hours of 8:00 AM and 5:00 PM in order to minimize construction and haul route activities that would create noise disturbance on surrounding residential and commercial real property line.	Field inspection	Building and Safety	Ongoing during construction
	5.2-3. Occupants/tenants of the surrounding sensitive land uses shall be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register complaints or questions regarding project activities.	During construction	Building and Safety	Ongoing during construction
	5.2-4. The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain contact information, the type of project, anticipated duration of construction activity and a hotline phone number to register complaints.	On-site construction notice posted		
	5.2-5. Grading work shall be kept between the hours of 8:00 AM and 5:00 PM Monday through Friday. Noise generated by the project shall attempt to remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440. However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB(A) (L25) during any hour that construction activities are in operation. This standard shall apply for any period of time during construction that compliance is technically and economically feasible.	Field inspection	Building and Safety	Ongoing during construction
	5.2-6. All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant in conjunction with the County of Los Angeles Sheriff's Department to monitor mobile sources as necessary, contingent upon the Sheriff's Department acceptance of a monitoring agreement.	The applicant shall submit a monitoring plan to monitor mobile and fixed sources to ensure proper operating conditions.	Sheriff's Department	Ongoing during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
NOISE (continued)				
	5.2-7. Vibration associated with the operation of any device capable of exceeding the vibration perception threshold (motion velocity) of 0.01 in/sec over the range of 1 to 100 hertz) at or beyond the property boundary on private property, or at 150 feet from the source if on a public space or public right of way is prohibited.	Field inspection	Building and Safety	Ongoing during construction
	5.2-8. The project applicant shall consult with an engineer regarding available technology for the noise attenuation of the Pile Driver equipment. Past operation of this device has resulted in levels above 105 dB(A) 75 feet away from the equipment. Reports shall be provided to the County of Los Angeles Department of Health Services, Public Health Division, prior to grading.	The applicant shall provide noise attenuation reports to the Department of Public Health.	Department of Public Health	Prior to grading
	*5.2-9. To minimize noise impacts on nearby residents, prior to grading, a traffic control plan shall be reviewed and approved by the Los Angeles County Department of Public Works for use during construction that limits the staging of vehicles to within the property lines and controls construction traffic at and near the project site.	The applicant shall submit a traffic control plan to limit construction vehicle staging.	Department of Public Works, Building and Safety	Prior to grading

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
AIR QUALITY				
<p>Implementation of the project would generate both construction-related and operation-related pollutant emissions from a stationary and mobile source. Emissions and fugitive dust would be generated by construction activities including demolition, excavation, grading, construction, and motor vehicle traffic. In addition, for structures built before 1978, microscopic asbestos fibers may also pose an air quality concern.</p>	<p>5.4-1. Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:</p> <ul style="list-style-type: none"> a. Configure construction parking to minimize traffic interference. b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person). c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable. d. Re-route construction trucks away from congested streets. e. Consolidate truck deliveries when possible. f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts. i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators. j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices. k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices. 	<p>The applicant shall submit a construction management plan to ensure minimal construction activity impact.</p>	<p>Department of Public Works</p>	<p>Prior to issuance of a grading permit and on going during construction</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
AIR QUALITY (continued)				
	5.4-2. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:	The applicant shall submit a dust control plan to alleviate dust emissions.	County of Los Angeles Department of Public Health and Building and Safety	Prior to issuance of a grading permit and on going during construction
	<ul style="list-style-type: none"> a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications. d. Water active grading sites at least twice daily (SCAQMD Rule 403). e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. 	Field inspection	Building and Safety	Ongoing during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<ul style="list-style-type: none"> h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip. j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more. 			
	<p>5.4-3. In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.</p>	The applicant shall submit an asbestos removal plan, if asbestos is discovered, prior to demolition of existing structures.	Building and Safety	During demolition

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
TRAFFIC/ACCESS				
<p>Upon completion, The Shores project would generate approximately 1,354 net new daily trips, with approximately 120 net new trips occurring during the AM peak hour and approximately 111 net new trips occurring during the PM peak hour.</p>	<p>5.6-1. In order to fund the recommended TIP roadway improvements, all projects within the Marina, including the proposed project are required to pay the traffic mitigation fee imposed by the County of Los Angeles, pursuant to the Marina del Rey Specific Plan TIP. This fee is intended to fund the Category 1 (local Marina) and Category 3 (regional) roadway improvements described in the TIP, by providing “fair share” contributions toward the improvements, based on the amount of project PM peak-hour trips. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County’s traffic mitigation fee structure is currently \$5,690 per PM peak-hour trip. Based on the expected project trip generation of 111 net new PM peak-hour trips, the project would be required to pay \$631,590.00 in trip mitigation fees. Of the \$631,590.00, \$176,712 shall go toward Category 1 transportation improvements, and the remaining \$454,878.00 will go toward Category 3 transportation improvements.</p> <p>The LACDPW has expressed that it prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee described previously is the recommended mitigation over the partial construction by this project of portions of the significant TIP roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following measure is recommended to reduce the significant project traffic impact identified in this study to less than significant levels:</p>	<p>Submittal of plan review</p>	<p>Department of Public Works</p>	<p>Prior to construction</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
TRAFFIC/ACCESS (continued)				
Prior to mitigation, project traffic volumes for The Shores project could produce a significant traffic impact at the intersection of Lincoln Boulevard and Mindanao Way.	5.6-2. <u>Lincoln Boulevard and Mindanao Way</u> – Widen Lincoln Boulevard, and relocate and narrow the existing median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey LIP.	The applicant shall submit improvement plans.	Department of Public Works	Prior to construction
Cumulative traffic impacts would affect five intersections within Marina del Rey.	<p>Cumulative traffic mitigation includes the following:</p> <p>Cumulative traffic impacts would affect five intersections that occur within Marina del Rey. To implement mitigation measures at these intersections the LACDPW has established a transportation improvement fund. As defined in this report, based on the expected project trip generation of 111 net new PM peak-hour trips, the project would be required to pay \$631,590.00 in trip mitigation fees. Of the \$631,590.00, \$176,712 shall go toward Category 1 transportation improvements, and the remaining \$454,878.00 will go toward Category 3 transportation improvements. The intersections and specific mitigation measures that would be funded by either Category 1 or Category 3 transportation improvements are defined below.</p> <ul style="list-style-type: none"> Admiralty Way and Via Marina – Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a “through roadway,” with Via Marina intersecting into Admiralty Way in a “tee” configuration. All turning movements at the intersection will be constructed as dual- or right-turning movements. This improvement is identified in the Marina del Rey TIP and will enhance flow within the Marina. Admiralty Way and Palawan Way – Restripe the southbound approach to convert the through lane into a left/through shared lane; restripe the northbound approach to provide an exclusive right-turn only lane, in addition to a shared left-turn/through lane. 	The applicant shall pay fees to the transportation improvement fund.	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p>This improvement is currently being investigated by the County for implementation as a new TIP-type measure, funded by fair-share contributions by projects within Marina del Rey. Also, add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way, as identified in the TIP.</p> <ul style="list-style-type: none"> Lincoln Boulevard and Mindanao Way – In addition to the project-specific mitigation improvement described earlier (installation of a northbound right-turn only lane), restripe Lincoln Boulevard at Mindanao Way to provide dual left-turn lanes in the southbound direction. This improvement may require additional widening along southbound Lincoln Boulevard. Acquisition of additional rights-of-way to implement this improvement could be funded through payment of the applicable Marina del Rey traffic impact assessment fees described earlier. Lincoln Boulevard and Fiji Way – Widen the eastbound Fiji Way approach to Lincoln Boulevard to provide an additional left-turn lane at Lincoln Boulevard. This measure is identical to the improvement described. <p>Admiralty Way and Mindanao Way – Widen northbound Admiralty Way to provide a right-turn lane at Mindanao Way. Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way. In addition, modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way and has already been approved as part of a previous project (Marina Two).</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
TRAFFIC/ACCESS (continued)				
	<p>The analysis of cumulative traffic impacts also defines impacts at five intersections that occur wholly outside or that have shared jurisdiction with the City of Los Angeles or Caltrans. For these intersections, physical improvements are infeasible as there are no reasonable, enforceable plans or programs sufficiently tied to the actual mitigation of the traffic impacts at issue. Intersection improvement measures recommended to address these cumulative traffic impacts at this intersection are described below.</p> <ul style="list-style-type: none"> • Washington Boulevard and Via Marina/Ocean Avenue – The northbound approach on Palawan Way at Washington Boulevard shall be reconstructed to allow for a dual northbound left-turn lane onto westbound Washington Boulevard. Install a new traffic signal and, as necessary, modify the traffic signal at the intersection of Admiralty Way at Palawan Way. The applicant's pro-rata share is 13 percent which is \$39,650.00 based on a total improvement cost estimated at \$305,000.00. • Washington Boulevard and Palawan Way – Install a new traffic signal at this intersection. The northbound approach should be realigned to reduce the angle of the right-turn only lane and provide a more perpendicular approach. This improvement is also currently being assessed by the County as a new fair-share-funded Marina improvement. • Lincoln Boulevard and Washington Boulevard – No feasible physical improvements have been identified for this intersection. • Lincoln Boulevard and Marina Expressway (SR 90) – Extend SR 90 to connect to Admiralty Way via a fly-over across Lincoln Boulevard. The project should contribute its fair share to the applicable traffic impact assessment fees toward this key regional improvement. • Marina Expressway (SR 90) Eastbound and Mindanao Way – Implement a second left-turn lane in the east approach from on 	<p>To the extent reasonable, enforceable plans sufficiently tied to actual mitigation of the traffic impacts at issue are established, the applicant shall pay their fair share of transportation improvements to the satisfaction of the County, City and/or Caltrans.</p>	<p>County and City Public Works Departments and Caltrans</p>	<p>Prior to construction</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	Mindanao Way from the Marina Expressway. Implementation of this measure(s) shall occur at the discretion and approval of the City of Los Angeles and Caltrans. Should the County, the City of Los Angeles and Caltrans agree on a funding mechanism to implement the recommended traffic improvements prior to building occupancy, it is recommended that the applicant, where appropriate, pay its fair share of required transportation improvements.			
Construction traffic will impact traffic flow at and near the project site.	*5.6-3. Truck hauling operations shall be limited to off-peak hours using the designated haul routes.	The applicant shall submit a traffic control plan to limit construction vehicles	Department of Public Works	During construction activities
	*5.6-4. A flagman shall be employed to allow for the safe access of trucks onto the haul route from the project site.	The applicant shall submit a traffic control plan to limit construction vehicles	Department of Public Works	During any export of construction materials
SOLID WASTE				
Demolition of the existing structures would generate construction debris.	5.7-1. Consistent with Title 20, Chapter 20.87 of the Los Angeles County Code, the project proponent shall provide a Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. Documentation of this recycling program will be provided to the LACDPW, prior to the issuance of the Demolition and Grading permits.	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and grading permits
During project operation, The Shores project would generate a net increase of solid waste generation.	5.7-2. To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by The Shores project applicant. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and reuse of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods could include locating recycling bins in proximity to dumpsters used by future on-site residents.	The applicant shall submit a solid waste management plan.	Department of Public Works	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
SOLID WASTE (continued)				
	5.7-3. The Shores project applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.	The applicant shall contract with a hauling company.	Department of Public Works	Ongoing during construction
WATER SERVICE				
The proposed development of the project would increase the demand for water in the project area.	5.8-1. Prior to the issuance of occupancy permits, The Shores project applicant shall improve, to the satisfaction of the LACDPW, water lines in Marquesas Way and Dell Avenue.	The applicant shall submit water line improvement plans and submit will serve letter from the County Department of Regional Planning	Departments of Public Works and Regional Planning	Prior to the issuance of grading permits
	5.8-2. The Shores project shall prepare a landscape plan that meets all provisions of Title 26 of the Los Angeles County Code, Chapter 71, Water Efficient Landscaping.	The applicant shall submit a landscape plan	Department of Regional Planning	During plan check
	5.8-3. The Shores project shall incorporate into the building plans water conservation measures as outlined in the following: <ul style="list-style-type: none"> Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water. 	The applicant shall submit building plans incorporating water conservation methods	Department of Public Works	Prior to the issuance of building permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
SEWER SERVICE				
The proposed development would generate an increase demand for sewage.	5.9-1. Prior to issuance of building permits, The Shores project applicant shall demonstrate sufficient sewage capacity for the proposed project by providing a “will-serve” letter from LACDPW’s Waterworks and Sewer Maintenance Division.	The applicant shall submit a will serve letter from the Public Works Department Waterworks and Sewer Maintenance Division	Department of Public Works and Sewer Maintenance Division	Prior to the issuance of building permits
	5.9-2. Prior to issuance of building permits, The Shores project applicant shall pay a one-time Sewer Facilities Charge to the City of Los Angeles, as required, to account for the increase in sewage generation.	The applicant shall pay the required fee.	Department of Public Works	During plan check



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

October 21, 2008

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**PROJECT NO. R2005-00234-(4)
COASTAL DEVELOPMENT PERMIT NO. 2005-00002-(4)
PARKING PERMIT NO. 2005-00004-(4)
VARIANCE NO. 2005-00004-(4)**

**PLAYA DEL REY ZONED DISTRICT
4TH SUPERVISORIAL DISTRICT (3-VOTE)**

PETITIONER: DEL REY SHORES

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Certify that the additional analysis prepared for Project No. R2005-00234 is in compliance with the writ of mandate by the Los Angeles County Superior Court and consider the adoption of any CEQA findings necessary to re-certify the Environmental Impact Report (EIR) with the additional analysis together with any comments received during the public review process; and re-approval of the Shores Apartment, Project No. R2005-00234-(4), including Coastal Development Permit No. 2005-00002-(4) and Parking Permit No. 2005-00004-(4), and Variance No. 2005-00004-(4).
2. Instruct County Counsel to prepare the necessary findings to affirm the Board's action to reinstate the approval of Coastal Development Permit No. 2005-00002-(4) and Parking Permit No. 2005-00004-(4), and Variance No. 2005-00004-(4).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

- On March 27, 2007, the Board of Supervisors denied the appeal to Project No. R2005-00234 (Shores Apartment) by the Marina Strand Colony II Homeowners Association (HOA). The HOA subsequently petitioned the Superior Court of California, Los Angeles Division for a Writ of Mandate to invalidate the EIR. The Court ruled that the EIR should have been re-circulated for public review and comment due to a change regarding project grading, specifically the export of approximately 25,940 cubic yards of soil (Project Grading). On July 8, 2008, the Board of Supervisors set aside its approval of the Shores Apartment project and its certification of the EIR.

- To comply with the Court's order, the California Environmental Quality Act and the State and County guidelines, an additional analysis associated with the Project Grading was prepared and circulated for public review and comment pursuant to the requirements of CEQA in order to prepare responses to all public comments associated with the additional analysis.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Fiscal Responsibility

The re-approval of the coastal development permit, parking permit and variance promote the County's Strategic Plan goal of fiscal responsibility. The proposed housing development is located in Marina del Rey, an urbanized area with available public services, will efficiently utilize existing infrastructure and reduce the need for expansion of County services to undeveloped land located on or beyond the urban fringe.

Improving Quality of Life

The re-approval of the coastal development permit, parking permit and variance also promote the County's Strategic Plan goal of improving the quality of life for Los Angeles County residents. The project allows for the provision of 544 apartment units (including set-aside units for 37 moderate income and 17 lower income tenants) in the coastal area.

FISCAL IMPACT/FINANCING

The re-approval of the coastal development permit, parking permit and variance will not result in any significant costs to the County, as the applicant is bearing the full costs of new development and construction. No request for construction financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On March 6, 2007, the Board of Supervisors conducted a duly noticed public hearing on Coastal Development Permit No. 2005-00002, Parking Permit No. 2005-00004 and Variance No. 2005-00004, in response to two appeals filed in protest to the Regional Planning Commission's December 13, 2006 approval of the project permits for the Shores Apartment. During the hearing the Board of Supervisors voted to deny the appeal and reaffirm the Regional Planning Commission's approval of the project permits. The requests before the Commission were: (1) the demolition and removal of all existing site improvements which include 202 apartment dwelling units in 34 two-story structures and related surface parking, landscaping and hardscape facilities; (2) the construction of 544 apartment units in a series of 12 five-story structures. Each building would consist of five stories of residential units over two levels of subterranean and above-grade parking; (3) the development of compact and tandem parking for a portion of the required parking spaces; and (4) the installation of signage area in excess of the County Code requirements.

Honorable Board of Supervisors
October 21, 2008
Page 3

A public hearing is required pursuant to Sections 22.16.200 and 22.60.240 of the County Code and Sections 65856 and 66452.5 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090 and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The coastal development permit, parking permit and variance will have a significant effect on the environment. An EIR was prepared for the project in accordance with the California Environmental Quality Act (Code Section 21000) and it identified potential impacts in the following areas: aesthetics, air quality, geotechnical/soil resources/environmental safety, hydrology and water quality, noise, traffic/access, water service, sewer disposal and solid waste disposal. The EIR and the additional analysis conclude that, except for temporary air quality, noise and solid waste disposal impacts, all of the potentially significant environmental impacts can be mitigated to a less than significant level through implementation of the mitigation measures identified in the EIR. The approval of this project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the project outweigh the potential unavoidable adverse impacts to air quality, noise and solid waste disposal.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the re-certification of the EIR, including the additional analysis, the re-approval of the coastal development permit, parking permit and variance is not anticipated to have a negative impact on current services.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning



Sorin Alexanian, Acting Deputy Director
Current Planning Division

SHA:SZD:mt

Attachment: Draft Additional Environmental Analysis

c: County Counsel
Director, Department of Public Works
Director, Department of Regional Planning

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2008

THE SHORES APARTMENT PROJECT

Draft Additional Environmental Analysis

Lead Agency:

COUNTY OF LOS ANGELES
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

October 3, 2008

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Notice of Preparation (NOP)
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1.0 ISSUE SUMMARY

1.1 BACKGROUND

On March 27, 2007, the County of Los Angeles Board of Supervisors denied the appeal of certified Environmental Impact Report SCH 2005071080 for the Shores Apartment Project (County Project Number R2005-00234-4) and approved Project No. T2005-00234-(4), Coastal Development Permit Number T200500002-(4); Parking Permit Number 200500004-(4) and Variance Number T200500004-(4). In so doing, the County Board of Supervisors denied an appeal by Marina Strand Colony II Homeowners Association (HOA) of the County Regional Planning Commission's approval of the Shores Apartment Project (Project). The HOA subsequently petitioned the Superior Court of California, Los Angeles Division for a Writ of Mandate to invalidate the EIR, alleging that the EIR did not comply with the California Environmental Quality Act (CEQA). The Superior Court rejected all but one of the HOA's claims, finding that significant new information was included in the EIR for the Project and that this significant new information had not been subject to prior public review and comment. New information was limited to the fact that on-site grading was not balanced and that site excavation would require the export and disposal of approximately 25,940 cubic yards of excess cut material. Having found the Project EIR to be deficient in this regard, the court directed the County to set aside its approvals of the Project permits, its adoption of the Statement of Overriding Considerations, Environmental Findings of Fact, Mitigation Monitoring Program, conditions of Project approval, and its certification of the Project Environmental Impact Report. The court further directed that this new information (i.e., the additional 25,940 cubic yards of excess cut material), the impact of disposal of 25,940 cubic yards of excess cut on Los Angeles County landfill capacity, and the associated secondary environmental impacts of hauling on the traffic, air quality, and noise environments be analyzed and re-circulated for public and agency review and comment.

The draft EIR that the County made available for public review and comment pursuant to the requirements of the CEQA described the excavation and grading of the site as follows: "as currently proposed, site excavation would require the movement of approximately 40,000 cubic yards of cut and fill; excavation on site would be balanced." (See page 3.0-10 of the draft EIR, the Shores project, dated November 2005, in **Appendix C**). This statement represented the assumption that the excavation would be used for fill material on the project site, that no fill material would have to be imported, and that no surplus excavation would have to be hauled away from the site.

During public review of the Project, after receiving comments from the public and preparing responses to those comments, the County issued a final EIR, dated December 2006 (in **Appendix C**), which for the first

time disclosed that: “As currently proposed, site excavation would require the movement of approximately 50,160 cubic yards of cut; 24,220 cubic yards of fill; and export of 25,940 cubic yards from the project site. Excavation on the project site would not be balanced” (see page 2.0-11 of the final EIR, the Shores Project, dated December 2006 in **Appendix C**). The Court found that this statement disclosed that all excavated earth material could not be used for fill material on the project site and that excess cut material would have to be hauled away from the site.

No disposal site was identified in the Project Description section of the draft EIR. However, page 5.2-20 of the Noise section of the draft EIR, dated November 2005 (in **Appendix C**), indicates that the construction debris receptor location and the ultimate destination of the haul route was the Puente Hills Landfill located in the City of Industry.

Page 2.0-21 of the final EIR, the Shores Project, dated December 2006 (in **Appendix C**), indicated that: “Due to changes in the area of site alteration, grading on the project site is not balanced and that approximately 25,940 cubic yards of earth material would require export from the project site. Excavation on the project site is expected to require approximately 40 working days to complete. Given an assumption that earth haulers can carry approximately 20 cubic yards, approximately 1,297 truck trips would be required or approximately 32 additional truck (round) trips per day (i.e., the equivalent of 64 additional truck trips/day), or 128 passenger car equivalent (pce) trips/day based on 16 pce trips/hour averaged over 40 working days.” The later figure of 64 additional truck trips per day is used in the remainder of this analysis.

The court found that the increase in the amount of solid waste earth material that will have to be hauled away from the project site constitutes significant new information which was added to the final EIR after public notice was given of the availability of the draft EIR for public review (distributed to the public on December 5, 2005), but before certification (certified December 13, 2006). Unless this new information is circulated for public consent, the court found that the public was deprived of a meaningful opportunity to comment on the substantial adverse effect of this change (i.e., the 25,940 cubic yards of export) or to identify feasible ways to mitigate or avoid project related impacts.

The court remanded the matter to the County for such action as the County deems proper and consistent with the order of the court. In response to this mandate, the County Board of Supervisors (Board), in a motion unanimously passed by the Board on July 8, 2008, instructed the Department of Regional Planning to comply with the court ruling by

- a. preparing an Additional Environmental Analysis of the reasonably foreseeable environmental impacts associated with the export of approximately 25,940 cubic yards of soil from construction of The Shores project;

- b. circulating the Additional Environmental Analysis for public review and comment for a 45-day period;
- c. preparing responses to all public comments received; and
- d. duly noticing a public hearing with this Board to consider the following actions: certification of the additional CEQA analysis, adoption of any CEQA findings necessary to re-certify the EIR with the Additional Environmental Analysis; re-certification of the EIR; and re-approval of The Shores Project-Project No. T2005-00234-(4), including but not limited to Coastal Development Permit Number T200500002-(4); Parking Permit Number 200500004-(4) and Variance Number T200500004-(4).

1.2 SUMMARY

The purpose of this Additional Environmental Analysis is to provide the public and agencies an opportunity to review and comment on this specific element of new project information (i.e., the export and disposal of 25,940 cubic yards of excess cut material) and to provide this information to decision makers such that it can be considered prior to Project approval. No other modifications to information proposed in the final EIR are proposed. Page 2.0-11 of the final EIR, dated December 2006 (in **Appendix C**), states: "As currently proposed, site excavation would require the movement of approximately 50,160 cubic yards of cut; 24,220 cubic yards of fill; and export of 25,940 cubic yards from the project site. Excavation on the project site would not be balanced." Page 2.0-21 of the final EIR, dated December 2006 (in **Appendix C**), states, in part: "Due to changes in the area of site alteration, grading on the project site is not balanced and that approximately 25,940 cubic yards of earth material would require export from the project site. Excavation on the project site is expected to require approximately 40 working days to complete. Given an assumption that earth haulers can carry approximately 20 cubic yards, approximately 1,297 truck trips would be required or approximately 64 additional truck trips/day, or 128 passenger car equivalent (pce) trips/day based on 16 pce trips/hour averaged over 40 working days."

The project applicant anticipates Project site grading and export all excess earth material will occur in 2009. A letter from the Puente Hills Landfill indicating the landfill will accept clean fill material from the Project site is included in the Additional Environmental Analysis as **Appendix A**. A haul route is analyzed that follows a route from Via Marina north to Washington Boulevard, Washington Boulevard east to Lincoln Boulevard, Lincoln Boulevard south to State Route 90, and local freeways east and south to the Puente Hills Landfill. The address of the Puente Hills Landfill is 13130 Crossroads Parkway, City of Industry, California 91746. A total round trip distance of approximately 66 miles has been assumed (Mapquest, 2008). The haul route is the same as that described on page 5.2-20 of the draft EIR, dated November 2005 (in **Appendix C**).

Project impacts on local landfills during construction would occur in three phases. These phases include site demolition, site grading, and project construction. Demolition debris would total approximately 88,000 cubic yards (see page 5.7-15 of the draft EIR, dated November 2005, in **Appendix C**). Demolition would require a two- to three- month period (see page 5.7-14 of the draft EIR, dated November 2005, in **Appendix C**). During this time, wood would be delivered for recycling to the Downtown Diversion facility located in Los Angeles, while asphalt and concrete would be delivered for recycling to the LOVCO crushing facility in Wilmington. Other trash would be transported by local haulers to a number of approved environmentally acceptable disposal sites occurring in Los Angeles County. Site grading is assumed to occur over a two-month period during which the export of 25,940 cubic yards of excess cut material would be transported to the Puente Hills landfill. Soil export from all demolition and earthwork is anticipated to occur and be completed in 2009. Construction would be complete in approximately 25 months. During this time approximately 4,576 cubic yards of construction debris would be generated (see page 5.7-14 of the draft EIR, dated November 2005, in **Appendix C**) that would be collected by local haulers and transported to local landfills. Project construction is expected to occur in 2009, 2010, and 2011.

In response to the court's direction to make this significant new information available to the public and decision makers for review and comment prior to a final decision, and to receive input on the significant new information from interested and relevant public agencies and private parties, a revised Notice of Preparation (NOP) was prepared and circulated to required state agencies and interested parties on July 10, 2008. This process is consistent with the requirements of Section 15082 of the California Environmental Quality Act. A copy of the NOP is presented in **Appendix B** of this Additional Environmental Analysis, including a copy of the distribution list, copies of all written comments on the NOP, and responses as necessary.

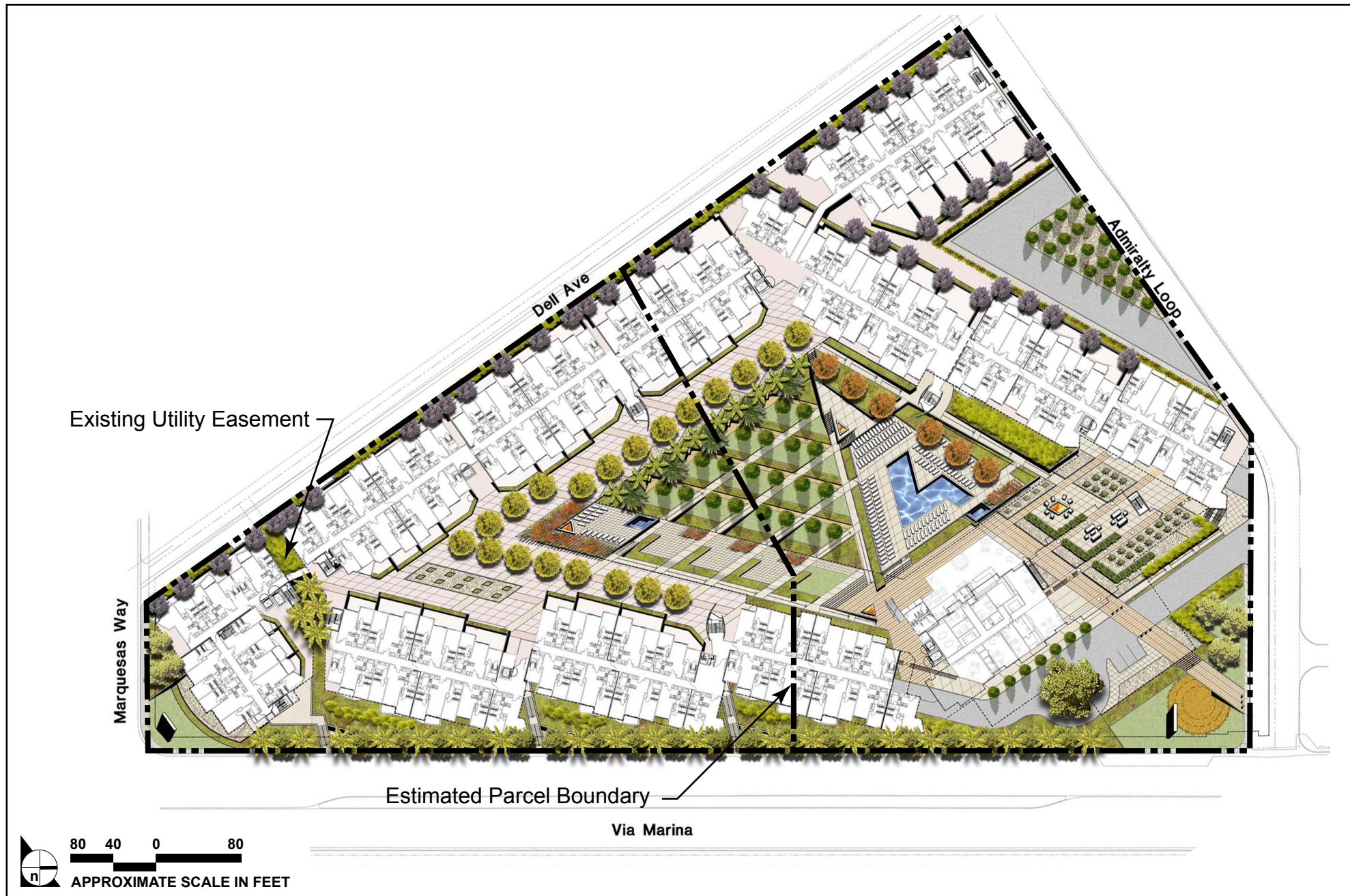
Given the direction of the court and of the Los Angeles County Board of Supervisors in their action of July 8, 2008, this Additional Environmental Analysis will focus on significant new information defined by court (i.e., the additional 25,940 cubic yards of excess cut material), the impact of disposal of 25,940 cubic yards of excess cut on Los Angeles County landfill capacity, and the associated secondary environmental impacts of hauling on the traffic, noise and air quality environments. According to *State CEQA guidelines* section 15088.5(c): "If the revision [to the EIR] is limited to a few chapters of the EIR, the lead agency need only circulate the chapters or portions that have been modified." This Additional Environmental Analysis references selected pages of the draft and final EIR's. To ease review of this Additional Environmental Analysis, these documents are provided electronically in **Appendix C**.

1.3 PROJECT DESCRIPTION

The development proposed for Marina del Rey Parcels 100 and 101 would consist of an apartment community comprised of 12 structures that would surround a central courtyard of approximately 2.25 acres. The project would consist of 544 residential dwelling units (a net increase of 342 apartment units) and 1,088 parking spaces largely situated in a parking structure located underneath the proposed apartment buildings. Overall building height would not exceed 75 feet (exclusive of appurtenant, screened rooftop equipment, parapets, and architectural features, which would extend to a maximum height of approximately 100 feet). A site plan illustrating the proposed project is provided as **Figure 1.0-1, Proposed Project Site Plan**. Additional project description information is included in Section 2.0 of the final EIR, dated December 2006 (in **Appendix C**).

1.4 PROJECT LOCATION

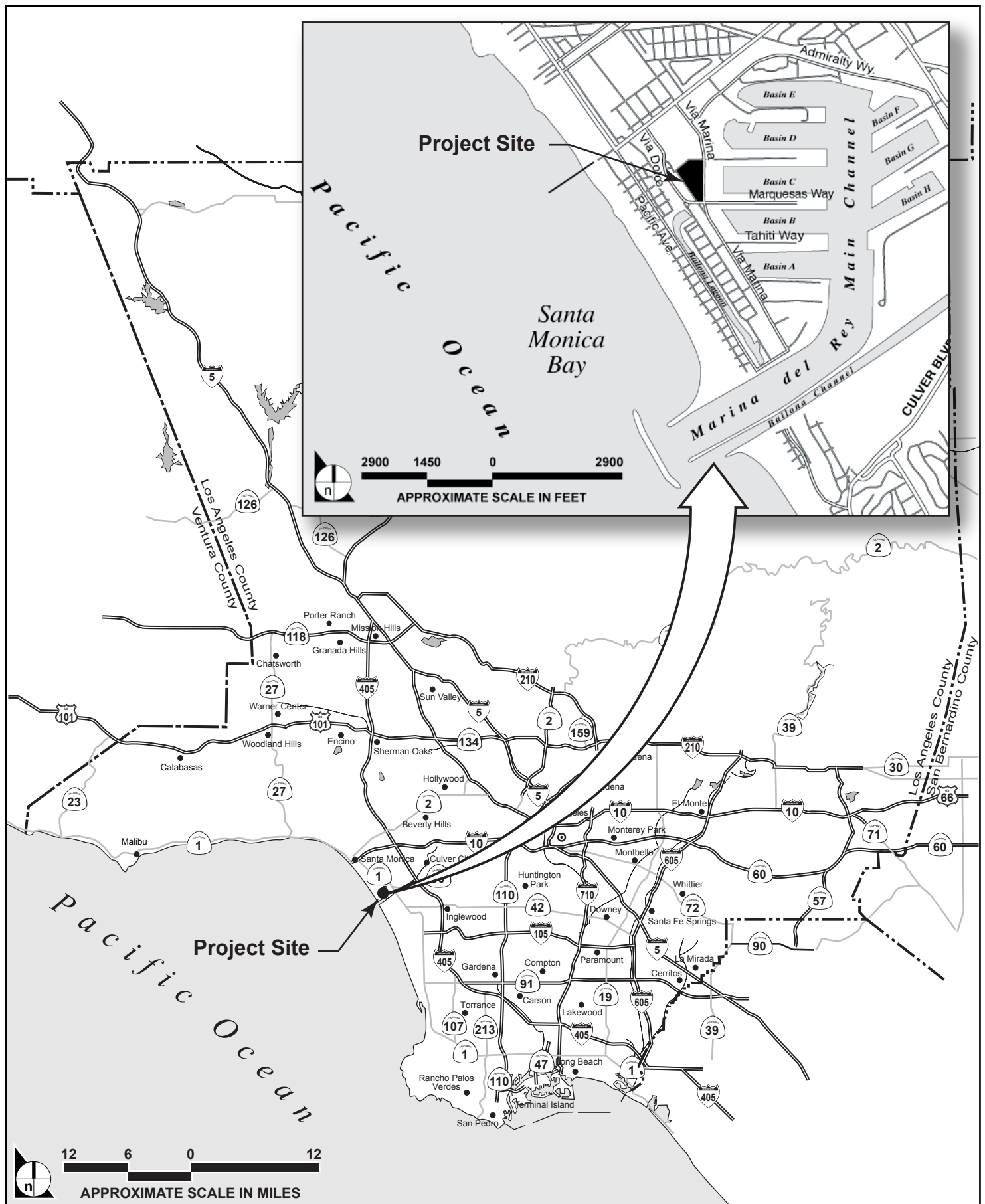
The proposed project site is situated in the western portion of the Marina del Rey small craft harbor. Marina del Rey is located along the Pacific Coast in the southwestern portion of the Los Angeles Basin. Specifically, the site is situated on the western side of Via Marina between Panay Way and Marquesas Way, and east of the Dell Avenue alley and the current location of the Del Rey Shores Personal Warehouses on Marina del Rey Parcel 104. Maps illustrating the site location from both a regional and local perspective are shown on **Figure 1.0-2, Project Location**.



SOURCE: Nadel Architects, Inc. – January 2005

FIGURE 1.0-1

Proposed Project Site Plan



SOURCE: Impact Sciences, Inc. – June 2005

FIGURE 1.0-2

Project Location

2.0 TECHNICAL BACKGROUND

2.1 EXISTING CONDITIONS

The Los Angeles County Department of Public Works (LACDPW) has the responsibility to develop plans and strategies to manage solid waste generated (including hazardous waste) in the County's unincorporated areas and to address the disposal needs of Los Angeles County as a whole. In the past, solid waste was simply collected and disposed of at landfills in the local vicinity. More recently, many jurisdictions, including the County of Los Angeles, have maintained that existing local landfill space may reach capacity and in response, have established daily planning limits for each landfill occurring within the County. While solid waste (including hazardous waste) continues to be generated and to be collected and disposed of, the opening of new facilities or the expanding of existing facilities is often opposed by local community residents. Even with waste reduction and recycling efforts, many jurisdictions are having difficulty siting new landfills or developing alternative means of disposal to address the anticipated shortage.

Options to reduce the amount of waste disposed of in landfills have traditionally included curbside pickup of recyclable materials and separate processing of these materials at recycling facilities. Solid waste collection has become highly privatized in recent years and a number of companies have created sophisticated recycling facilities that can process and sort recyclables from other wastes. In this free-enterprise system, private industries now compete for contracts to collect and dispose of solid waste. After materials separation, these private haulers dispose of the remaining solid waste at whatever landfill they choose that can accept the materials. These facilities may be within the local geographic region, outside the County, or even outside the state. The LACDPW maintains that prudent public policy includes a balance of in-County and out-of-County disposal capacity to provide for the long-term disposal needs of the County. Without multiple options, the County would have little negotiating leverage against unfavorable pricing structures.

Each landfill within Los Angeles County as well as landfills outside the County where the County has contractual rights for disposal at a defined limit, has a defined "capacity" that changes over time as use of the landfill occurs. Some landfills in Los Angeles County are nearing capacity, while others are projected to have capacity well beyond 2021, the current solid waste planning horizon year. In response to the future need for additional capacity, the County is in the process of permitting new landfills, expanding capacity at some existing landfills, and expanding recycling facilities.

Because of the difficulty in predicting what facilities private haulers will use, this discussion shall focus on (1) landfills operating within Los Angeles County that accept waste from unincorporated areas

including the project site, (2) landfills located outside the County that are owned and operated by the Los Angeles County Sanitation District, and (3) landfills outside the County that are available based on existing agreements. This narrow analysis is considered a worst-case evaluation scenario. It acknowledges, but does not assume or consider other disposal options that are available to local private haulers such as landfills outside of County of Los Angeles jurisdiction or landfills outside the state.

2.1.1 Plans and Policies for Solid Waste Disposal

2.1.1.1 California Integrated Waste Management Act

In response to reduced landfill capacity, in 1989 the State of California passed the California Integrated Waste Management Act (CIWMA). This legislation (generally known by the name of the enacting bill Assembly Bill [AB] 939) requires cities and counties to reduce the amount of solid wastes entering existing landfills, through recycling, reuse and waste prevention efforts.

AB 939 requires every city and county in the state to prepare a Source Reduction and Recycling Element to its Solid Waste Management Plan that identifies how each jurisdiction planned to meet mandatory state waste diversion goals of 25 percent by the year 1995 and 50 percent by the year 2000. The purpose of AB 939 is to “reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible.” Noncompliance with the goals and timelines set forth within the act can be severe, as the bill imposes fines up to \$10,000 per day on jurisdictions not meeting these recycling and planning goals.

AB 939 requires jurisdictions to utilize “integrated waste management”—a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment. The act establishes the following waste management hierarchy:

- Source Reduction – “Source reduction” means any action that causes a net reduction in the generation of solid waste. Source reduction includes, but is not limited to, reducing the use of non-recyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. Source reduction does not include steps taken after the material becomes solid waste.¹
- Recycling – “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products that

¹ California Public Resources Code, Sec. 40196.

meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation.²

- Composting – “Compost” means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. Compost includes vegetable, yard, and wood wastes which are not hazardous waste.³
- Transformation – “Transformation” means incineration, pyrolysis, distillation, or biological conversion other than composting. Transformation does not include composting, gasification, or biomass conversion.⁴
- Disposal – “Solid waste disposal” or “disposal” means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.⁵

2.1.1.2 California Integrated Waste Management Board Model Ordinance

Subsequent to the passage of CIWMA, additional legislation was passed to assist local jurisdictions in accomplishing the goals of AB 939. The California Solid Waste Reuse and Recycling Access Act of 1991 (Section 42900–42911 of the Public Resources Code) directs the California Integrated Waste Management Board (CIWMB) to draft a “model ordinance” for the provision of adequate areas for collecting and loading recyclable materials in development projects. If, by December 1, 1994, a local agency did not adopt its own ordinance based on the CIWMB model, the CIWMB model ordinance took effect for that local agency. The County of Los Angeles chose to use the CIWMB model ordinance.

2.1.1.3 County of Los Angeles Solid Waste Management Action Plan

In 1988, the County of Los Angeles Board of Supervisors approved the Los Angeles County Solid Waste Management Action Plan to provide long-range management of the solid waste generated within the County. This plan includes such approaches as source reduction, recycling and composting programs, household hazardous waste management programs and public education awareness programs. The plan concludes that land filling will remain an integral part of the waste management system and calls for the establishment of 50 years of in-County permitted landfill capacity, as well as the County’s support for the development of disposal facilities out of the County.

² California Public Resources Code, Sec. 40180.

³ California Public Resources Code, Sec. 40116.

⁴ California Public Resources Code, Sec. 40201.

⁵ California Public Resources Code, Sec. 40192.

2.1.1.4 County of Los Angeles Source Reduction and Recycling Element

The Source Reduction and Recycling Element (SRRE) was prepared in response to AB 939. It describes policies and programs that will be implemented by the County for the County unincorporated areas to achieve the state's mandates of 25 and 50 percent waste disposal reductions by the years 1995 and 2000, respectively. Per the Integrated Waste Management Act of 1989, the Source Reduction and Recycling Element projects disposal capacity needs for a 15-year period. The current SRRE 15-year period commenced in 2002.

2.1.1.5 County of Los Angeles Non-Disposal Facility Element

AB 939 requires every city and county within the state to prepare and adopt a Non-Disposal Facility Element (NDFE) to identify all existing, proposed expansions of, and proposed new non-disposal facilities. These include source reduction and recycling facilities that are needed to implement the local jurisdiction's SRRE. Los Angeles County's NDFE identifies 20 existing materials recovery facilities/transfer stations, and nine proposed material recovery facilities as non-disposal facilities. In addition, the County's NDFE also identifies the utilization of four landfill facilities, operated by the County Sanitation Districts of Los Angeles County, for diversion of yard/green waste which is intended to be used as alternative daily cover at the landfills.

2.1.2 Future Solid Waste Management Conditions

Currently, most solid waste is disposed of in local landfills. In the future, the amount of waste diverted from landfills is expected to increase as capacity limitations occur and the state achieves compliance with the provisions of AB 939. This diversion will increase the life expectancy of landfills, but not eliminate the need for new landfills. As growth occurs throughout Southern California, new landfill capacity will be required and/or other waste disposal alternatives will require implementation.

Options that have been discussed include expanding existing landfills, developing new landfills locally, transferring solid waste out of the County or state by truck or rail, or the incineration of solid waste in co-generation plants that generate electricity. New and expanded landfills are expected to be approved as part of a comprehensive solid waste program.

As described above, the transfer of solid waste either out of the County, or state, is also an option. Two landfills, which would receive Los Angeles area waste by rail car, have proposed to provide some long-term solid waste disposal for Los Angeles County. The Mesquite Regional Landfill in southern Imperial County and the Eagle Mountain Landfill in Riverside County are both owned by the Sanitation Districts of Los Angeles County (Sanitation Districts). The operation of both sites can provide more than

100 years of disposal capacity for Los Angeles County.⁶ The Mesquite Regional Landfill is scheduled to be operational in 2009, and is permitted to accept up to 20,000 tons of waste each day from various counties in Southern California.⁷ Los Angeles County anticipates an maximum export of 15,000 tons of waste per day to Mesquite Landfill.⁸ However, waste from Los Angeles County would not be permitted until rail infrastructure to the landfill is completed, which would occur in 2011.⁹ Also, Los Angeles County Sanitation Districts are currently performing a due diligence examination of the Eagle Mountain Landfill. However, pending federal litigation could overturn this facility's current landfill permit.¹⁰

Though some landfills are currently restricted to accept solid waste from a limited geographical area, the US Supreme Court has held that any restriction limiting inter-jurisdictional transfers to landfills willing to accept solid waste is unconstitutional because such restrictions infringe on the landfill operator's ability to actively participate in interstate commerce.¹¹ It is therefore likely that inter-jurisdictional transfers will increase as a method of managing solid waste.

Incineration facilities provide a dual function of disposing of solid waste and generating regional power supplies; their use may increase in the future as new plants are built.

Because the siting of future landfills, expansions of recycling efforts, and construction of co-generation plants at this time may be speculative, this EIR methodology will focus only on landfills occurring in Los Angeles County and/or those contracted. Specifically, this analysis shall focus on (1) the capacity of the existing landfills operating within Los Angeles County that accept waste from unincorporated areas including the project site), (2) landfills located outside the County that are owned and operated by the Los Angeles County Sanitation District, and (3) capacity at landfills outside the County that is available based on existing agreements.

2.1.3 Existing Solid Waste Disposal Capacity/Protocols

Four types of solid waste facilities occur within Los Angeles County: (1) Class III landfills, (2) Unclassified landfills, (3) Transformation facilities, and (4) Materials recovery facilities (MRF). A Class III landfill is a facility that accepts household waste and where site characteristics and containment structures isolate non-hazardous solid waste from the waters of the state. Unclassified

⁶ Sanitation Districts of Los Angeles County, *Fiscal Year 2003–2004 in Review*.

⁷ Sanitation Districts of Los Angeles County, *Mesquite Regional Landfill Project Fact Sheet*, December 22, 2006.

⁸ E-2.1.2, 2006 LA County Countywide Integrated Waste Management Plan, June 2008.

⁹ Sanitation Districts of Los Angeles County, *Mesquite Regional Landfill Project Fact Sheet*, December 22, 2006.

¹⁰ Sanitation Districts of Los Angeles County, *Fiscal Year 2003–2004 in Review*.

¹¹ *Philadelphia v. New Jersey*, 437 U.S. 617 (1978).

landfills are facilities that accept materials such as soil, concrete, asphalt and other construction and demolition debris. Transformation facilities involve the incineration of municipal solid waste in order to generate energy. Materials recovery facilities recover recyclable materials from other waste to provide for the efficient transfer of the residual waste to permitted landfills for proper disposal.

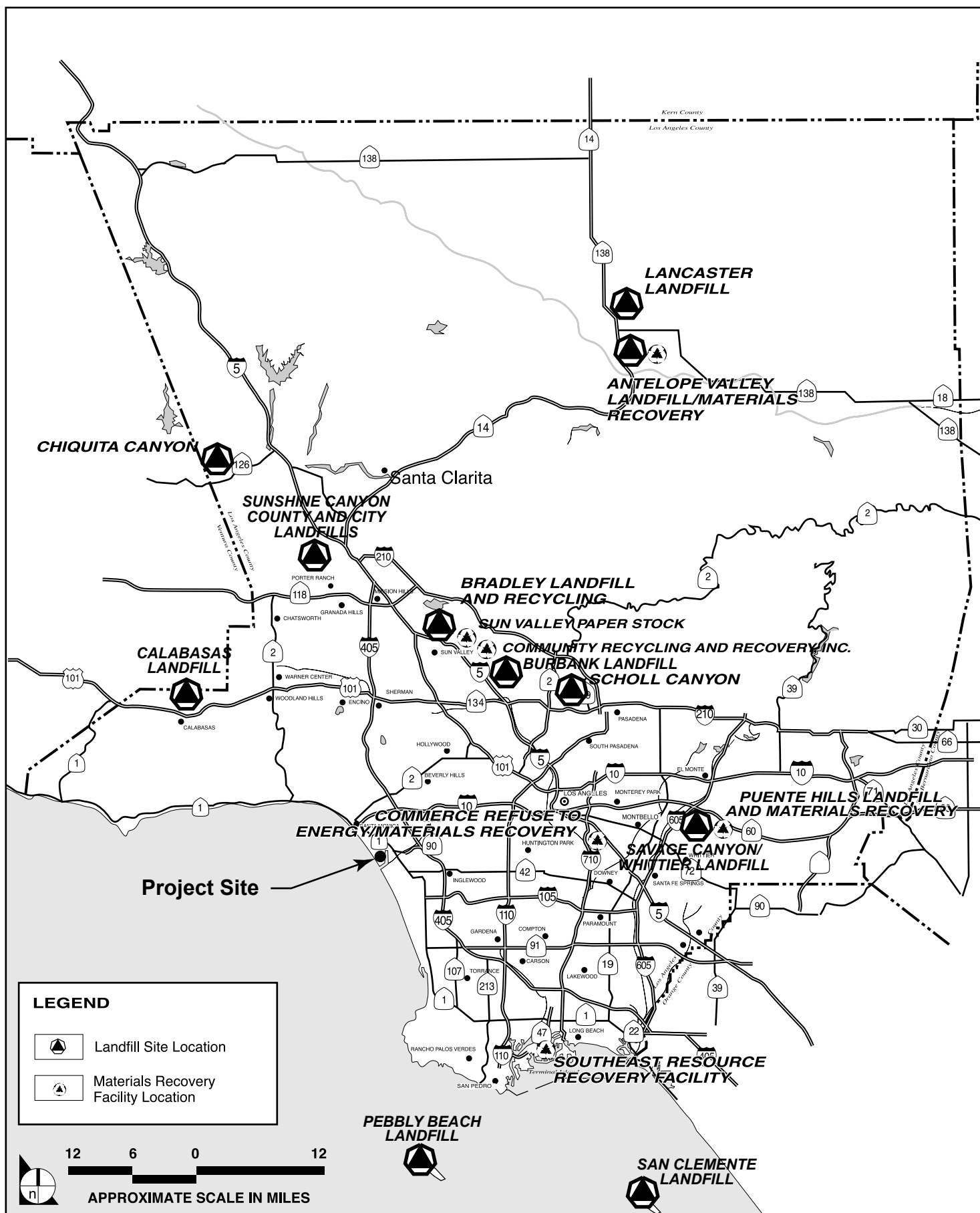
Currently most solid waste collected within Los Angeles County by private haulers is disposed of within the County. However, it is likely that independent solid waste haulers do and will continue to take solid wastes to facilities outside the County. Greater inter-County transfer of solid waste may occur in the near future if landfills outside of Los Angeles County provide greater economic advantages to haulers, or if landfills within the County reach capacity.

For this analysis it is assumed there are 13 landfills in Los Angeles County, in addition to landfills outside the County where existing County contracts are in place (hereafter referred to as County landfills) that may accept solid waste from the Shores Apartment Project site. **Figure 2.0-1** illustrates the locations of Los Angeles County some landfills and materials recovery facilities in relation to the project site.¹²

Table 2.0-1, Disposal Capacity Need Analysis for Los Angeles County, illustrates (1) the remaining capacity of each landfill annually through 2021, (2) the daily Class III Landfill disposal need for Los Angeles County, (3) the daily planning limit for each landfill as established by the County landfills, and (4) a comparison of the daily Class III landfill disposal need versus the daily landfill planning limit. As shown, County landfills have adequate capacity to accommodate anticipated solid waste projections through the year 2021 (the solid waste planning horizon). However, when considering anticipated daily demand versus the daily landfill planning limit, a deficit would occur following 2013 through 2021 and beyond.

Of the County landfills, there have been recent expansions at the Antelope Valley, Bradley, Chiquita Canyon, Lancaster, and Puente Hills Landfills. A number of County landfills have an anticipated life expectancy that extends beyond 2021. For example, the Antelope Valley, Burbank, Pebbly Beach, San Clemente, and Whittier landfills all have capacity beyond the 2021 solid waste planning horizon year (**Table 2.0-1**).

¹² **Table 2.0-1** is based on the Los Angeles County Department of Public Works, *Los Angeles County Integrated Waste Management Plan, 2006 Annual Report on the Countywide Summary Plan and Countywide Siting Element*, June 2008.



SOURCE: Impact Sciences, Inc. – June 2005

FIGURE 2.0-1

Locations of Major Los Angeles County Landfill Sites

2.1.3.1 Puente Hills Landfill Disposal Protocols

Currently (2008), the Puente Hills landfill has a remaining capacity of 18.8 million tons, and operates on a six day work week. The landfill is closed on Sunday. The 2009 established Los Angeles County Daily Planning limit for this landfill is 13,200 tons per day (reference **Table 2.0-1**). The landfill also operates a beneficial reuse program which accepts up to 33,000 tons per week of five types of materials: ash (from incinerator locations in Long Beach and Commerce), asphalt, green waste, wood waste, and clean dirt. Clean dirt generated as part of the beneficial reuse program is utilized for daily cover operations and does not count towards daily maximum refuse permitted at the landfill. The landfill could accept 450 loads (up to 18 tons per load) of dirt per day as clean fill outside of the beneficial reuse amount; any loads over 450 fall into beneficial reuse tonnages. The tonnages taken of ash, asphalt, green waste, and wood waste dictate the daily capacity of dirt. On average, 800 loads of dirt are accepted on Saturday, and the load count fluctuates throughout the week as the landfill approaches the tonnage limit. Dirt is collected for free between the hours of 7:30 AM until 5:00 PM, or until the daily load count has been reached.¹³

In the event that the landfill reaches the daily limit for dirt, the landfill will accept dirt as waste (rather than as cover material) until the normal closure time of 5:00 PM if the haulers pay standard refuse tipping fees, which is currently set at \$29.42/ton. Any dirt accepted at the scales as waste is pushed into the landfill with the refuse for that day and is not used for daily cover operations.¹⁴

2.1.3.2 Downtown Diversion Disposal Protocols

Non-hazardous demolition debris would be disposed of at the Downtown Diversion facility located in Los Angeles. The diversion facility is operates on a five-day work week, starting on Monday and ending on Friday. The facility is permitted to accept up to 1,500 tons of waste per day. Downtown Diversion currently recycles 79.85 percent of all waste received and is then sold to various vendors. The remaining 20.15 percent of waste is exported to LA City's Lancaster Landfill.¹⁵

2.1.4 Requirements for Excess Earth Material Disposal

Numerous residential and commercial projects, particularly those in urban areas, are constructed on relatively small (e.g., less than 10 acre) parcels and often require subterranean parking. In most cases,

¹³ Larry Myers, Puente Hills Landfill, Supervising Engineering Technician II, personal communication with Lee Jaffe, June 25, 2008.

¹⁴ Ibid.

¹⁵ Tom McCurry, LEED AP, Downtown Diversion, Construction, and Solid Waste Specialist, personal communication with Lee Jaffe, July 3, 2008.

excavation for the subterranean garage generates excess earth material and requires off-site disposal as there is not sufficient land area to dispose of the excess material on site. The Shores project is typical of this project type. As proposed, the Shores project would result in the construction and operation of 544 apartment units with one level of below-ground parking. Construction of this structure would require the export of approximately 25,940 cubic yards of excess cut material. The Shores project design is typical of other similar projects in the Los Angeles urban area. Examples of other similar projects (either approved or currently in the entitlement process) and their export requirements in the City of Los Angeles, Beverly Hills, Glendale and Marina del Rey are provided below.

Examples of recent projects (either approved or currently in the entitlement process) in the City of Los Angeles are provided below:

Project Name: Lincoln Manchester Project

Project Description: 450 residential units

Export Requirement: 71,000 cubic yards

Project Name: Wilshire and La Brea Project

Address: 5200 Wilshire Boulevard, Los Angeles, California

Project Description: 562 residential units

Export Requirement: 163,000 cubic yards

Project Name: Lankershim Lofts

Address: 5047 Lankershim Boulevard, North Hollywood, California

Project Description: 130 residential units + mixed use

Export Requirement: 40,000 cubic yards

Examples of recent projects (either approved or currently in the entitlement process) in the City of Beverly Hills are provided below.

Project Name: Residences at Saks Fifth Avenue

Address: 9588 Wilshire Boulevard, Beverly Hills, California

Project Description: 60 residential units; 154,000 square feet retail

Export Requirement: 78,225 cubic yards

Project Name: Beverly Hilton Revitalization Project

Address: 9876 Wilshire Boulevard, Beverly Hills, California

Project Description: 110 residential units; 520 hotel rooms

Export Requirement: 375,000 cubic yards

Project Name: 9900 Wilshire Project

Address: 9900 Wilshire Boulevard, Beverly Hills, California

Project Description: 252 residential units + commercial

Export Requirement: 95,000 cubic yards

Table 2.0-1
Disposal Capacity Need Analysis for Los Angeles County

Year	Waste Generation Rate	Percent Diversion	Total L.A. Co. Disposal Need	Imported Waste	Waste Exports to Out-of-County Landfills	Maximum Daily Transformation Capacity	Class III Landfill Disposal Need	1	2	3	4	5	6	7	8	9	10	11	12	13	Class III Landfill Daily Disposal Capacity Shortfall (Excess)				
									Antelope Valley	Bradley	Burbank	Calabasas	Chiquita	Lancaster	Pebbley Beach	Puente Hills	San Clemente	Scholl ⁶	Sunshine County	Sunshine City		Whittier			
	(tpd-6)		(tpd-6)		(tpd-6)	(tpd-6)	(tpd-6)	(tpd-6)	Expected Daily Tonnage 6 Day Average (tpd-6)																
								Remaining Permitted Landfill Capacity at Year's End (Million Tons)																	
2006	76,305	50%	38,152	854	5,713	1,724	30,715	977	1,447	125	1,492	4,853	1,221	8.6	12,079	2.65	1,431	2,693	4,118	268					
								9.2	0.1	3.0	7.9	11.0	13.5	0.09	26.6	0.04	6.4	1.4	4.3	4.4					
2007	76,771	50%	38,386	900	7,5000	2,069	29,717	1,400	200	126	1,501	5,000	1,700	8.7	12,500	2.67	1,440	3,685	2,065	269	182				
								8.8	C	3.0	7.4	9.5	12.9	0.085	22.7	0.040	6.0	0.2	3.6	4.3					
2008	77,772	50%	38,886	900	7,5000	2,069	30,217	1,800		127	1,521	5,000	1,700	8.8	12,500	2.70	1,459	3,000	4,500	273	1,675				
								8.2		2.9	6.9	7.9	12.4	0.082	18.8	0.039	5.5	C	2.2	4.2					
2009	78,947	50%	39,474	900	10,000	2,069	28,305	1,800		129	1,544	5,000	1,700	8.9	13,200	2.74	1,481		4,500	277	1,338				
								7.6		2.9	6.5	6.4	11.9	0.079	14.7	0.038	5.0		0.8	4.1					
2010	80,583	50%	40,292	900	10,000	2,069	29,123	1,800		132	1,576	5,000	1,700	9.1	13,200	2.80	1,512		4,500	283	592				
								7.1		2.8	6.0	4.8	11.4	0.076	10.6	0.037	4.6		C	4.0					
2011	82,190	50%	41,095	900	25,000	2,069	29,926	1,800		135	1,607	5,000	1,700	9.3	13,200	2.86	1,543			288	10,358				
								6.5		2.8	5.5	3.2	10.8	0.073	6.4	0.036	4.1			3.9					
2012	83,798	50%	41,899	900	25,000	2,069	30,730	1,800		137	1,639	5,000	1,700	9.5	13,200	2.91	1,572			294	9,625				
								5.9		2.8	5.0	1.7	C	0.070	2.3	0.0354	3.6			3.8					
2013	85,501	50%	42,751	900	25,000	2,069	31,582	1,800		140	1,672	5,000		9.7	13,200	2.97	1,604			300	7,147				
								5.4		2.7	4.4	0.1		0.067	C	0.0345	3.1			3.7					
2014	87,418	50%	43,709	900	25,000	2,069	32,540	1,800		143	1,710	5,000		9.9		3.04	1,640			307	(6,927)				
								4.8		2.7	3.9	C		0.064		0.0335	2.6			3.6					
2015	89,207	50%	44,604	900	25,000	2,069	33,435	1,800		146	1,745			10.1		3.10	1,674			313	(12,744)				
								4.3		2.6	3.4			0.061		0.0326	2.1			3.5					
2016	90,951	50%	45,475	900	25,000	2,069	34,306	1,800		149	1,779			10.3		3.16	1,706			319	(13,540)				
								3.7		2.6	2.8			0.058		0.0316	1.5			3.4					
2017	92,686	50%	46,343	900	25,000	2,069	35,174	1,800		152	1,813			10.5		3.22	1,739			325	(14,332)				
								3.1		2.5	2.2			0.055		0.0306	1.0			3.3					
2018	94,321	50%	47,160	900	25,000	2,069	35,991	1,800		155	1,845			10.7		3.28	1,769			331	(15,078)				
								2.6		2.5	1.7			0.051		0.0296	0.4			3.2					
2019	95,958	50%	47,979	900	25,000	2,069	36,810	1,800		157	1,877			10.9		3.34	1,800			337	(15,825)				
								2.0		2.4	1.1			0.048		0.0285	C			3.1					
2020	97,708	50%	48,854	900	25,000	2,069	37,685	1,800		160	1,911			11.1		3.40				343	(18,457)				
								1.5		2.4	0.5			0.044		0.0275				3.0					
2021	99,537	50%	49,769	900	25,000	2,069	38,600	1,800		163	1,947			11.3		3.46				349	(19,326)				
								0.9		2.3	C			0.044		0.0264				2.9					

ASSUMPTIONS:

1. The Waste Generation Rate (excluding the inert waste being handled at unclassified landfills) was estimated using the CIWMB’s adjustment methodology, utilizing population projection, employment and taxable sales projections available from UCLA.
2. Diversion Rate is 50 percent for years 2006 through 2021.
3. Expected Daily Tonnage Rates are based on permitted daily capacity for the Antelope Valley, Chiquita, Lancaster, Puente Hills, and Sunshine landfills. The expected daily tonnage rate for Burbank, Calabasas, Pebbley Beach, San Clemente, Scholl, and Whittier (Savage) landfills are based on the average daily tonnages for the period of 1/1/06 to 12/31/06.
4. Expected Daily Tonnage Rate for Bradley Landfill is based on the fact that the Landfill remained open through April 14, 2007.
5. “tpd-6”: tons per day, 6 day per week average.
6. Assumes 15,000 tpd exported to Mesquite Regional Landfill at implementation of Waste-by-Rail program. Source: Appendix E-2.1.2, 2006 LA County Countywide Integrated Waste Management Plan, June 2008.

LEGEND:

- C Closure due to exhausted capacity
- L Does not accept waste from the City of Los Angeles and Orange County
- R Restricted Wasteshed
- CIWMB California Integrated Waste Management Board
- Source: Los Angeles County Department of Public Works, May 2008

Examples of recent projects (either approved or currently in the entitlement process) in the City of Glendale are provided below.

Project Name: Hollywood Production Center and Residential Project
Address: 121 West Lexington Drive, Glendale, California
Project Description: 63 residential units; 66,000 square feet commercial
Export Requirement: 26,400 cubic yards

Project Name: City Center II Project
Address: 141 North Brand Boulevard, Glendale, California
Project Description: 191 residential units; 152 hotel rooms
Export Requirement: 39,000 cubic yards

Project Name: Verdugo Gardens
Address: 610 North Central Avenue, Glendale, California
Project Description: 287 residential units; 3,600 square feet commercial
Export Requirement: 32,000 cubic yards

Examples of recent projects (either approved or currently in the entitlement process) Marina del Rey are provided below.

Project Name: Esprit
Address: Marquesas Way, Marina del Rey, California
Project Description: 518 apartment units; 2000 square feet retail
Export Requirement: approximately 100,000 cubic yards

Project Name: Admiralty Apartments
Address: Admiralty Way, Marina del Rey, California
Project Description: 172 apartment units
Export Requirement: 37,000 cubic yards

Project Name: Fisherman's Village
Address: 13755 Fiji Way, Marina del Rey, California
Project Description: 68,250 square feet retail; 60,500 square feet retail
Export Requirement: 134,310 cubic yards

Project Name: Neptune Marina
Address: 14151 and 14126 Marquesas Way, Marina del Rey, California
Project Description: 526 apartment units
Export Requirement: 133,000 cubic yards

Project Name: Woodfin Suites Timeshare and Resort Hotel
Address: 4360 Via Marina, Marina del Rey, California
Project Description: 288 timeshare and hotel units
Export Requirement: 42,200 cubic yards

2.1.5 Hazardous Materials Collection and Disposal

Certain uses and activities generate hazardous waste that cannot be disposed of at Class III or unclassified landfills. The California Hazardous Waste Control Law (Health and Safety Code Section 25100 through Section 25249) requires that these hazardous materials be transported and disposed of or treated at a licensed facility (a Class I or Class II landfill). The disposal and transport of hazardous materials is complicated by the fact that there are many forms of hazardous materials. Operations that use hazardous materials and/or generate hazardous waste are responsible for the disposal of the waste.

LACDPW has indicated that existing hazardous waste management facilities within the County are inadequate to meet the waste currently generated within Los Angeles County. However, there are several Class I and II landfills that exist in Southern and Central California that can accept hazardous waste generated within the County. Each is identified briefly below.

- Laidlaw Landfill, Buttonwillow, Kern County, California: This facility accepts hazardous and non-hazardous waste and is permitted as a Class I landfill. The facility has no restrictions for the amount of waste that can be accepted on a daily basis.
- Kettleman Hills Landfill, Kettleman City, Kings County, California: This is a Class I permitted landfill that accepts hazardous and non-hazardous waste with no capacity restrictions.
- McKittrick Waste Treatment Site, McKittrick, Kern County, California: This facility is a Class II permitted landfill that accepts hazardous and non-hazardous waste. The facility has a capacity restriction of 412 cubic meters daily.

As discussed above, Los Angeles County has prepared a household hazardous waste element (HHWE) to provide for management of household hazardous waste generated by the residents within its jurisdiction.

2.1.6 Existing Solid Waste Generation

2.1.6.1 Statewide Solid Waste Generation

In the State of California, approximately 92 million tons of solid waste was generated in 2006.¹⁶ Some of the solid waste stream was diverted from landfills through various source reduction, recycling, and re-use efforts. The diversion rate in the state was estimated to be 54 percent in 2006.¹⁷

¹⁶ California Integrated Waste Management Board, <http://www.ciwmb.ca.gov/lgcentral/rates/Graphs/RateTable.htm>. 2008.

¹⁷ Ibid.

2.1.6.2 Regional Solid Waste Generation

A total of 1.45 million tons of solid waste was collected within unincorporated Los Angeles County for the year 2005.¹⁸ Some of the solid waste stream was diverted from landfills through various source reduction, recycling, and re-use efforts. The diversion rate in unincorporated Los Angeles County has increased since 1995. Between 1995 and 2004, the diversion rate for the County has increased from 27 percent in 1995, to 53 percent in 2004.¹⁹ The CIWMB reviewed waste diversion figures for 2003 to 2004 and official diversion rates for these years were 12 percent in 2003 and 53 percent for 2004. The biennial review has not been conducted yet for years 2005 and 2006, but is estimated to be at 54 percent.²⁰ For the purpose of this EIR, the 50 percent diversion rate mandated by the CIWMB will be used.

2.1.6.3 The Shores Apartment Project

The proposed The Shores Apartment Project site is currently developed with 202 existing apartment units and associated surface parking. As shown in **Table 2.0-2**, operation of the existing uses on the Project site generates a total of 0.65 ton of solid waste per day, or 237 tons of solid waste per year. These quantities represent a worst-case scenario for solid waste sent to landfills as any quantity diverted through recycling is not assumed.

Table 2.0-2
Shores Project Existing Solid Waste Generation (No Recycling)

Land Use	Units	Quantity	Generation Factor ¹	Daily Generation (tons/day)	Annual Generation (tons/year)
Residential	d.u.	202	6.41 lbs/day/unit	0.65	237
Total:		202		0.65	237

Source: Impact Sciences, Inc., November, 2007.

du = dwelling unit.

¹ Generation factor provided by the solid waste daily generation rates in tons per year are derived from the Ventura County Solid Waste Management Department's Guidelines for Preparation of Environmental Assessments for Solid Waste Impacts.

¹⁸ California Integrated Waste Management Board, Jurisdiction Diversion, and Disposal Profile: Los Angeles County, <http://www.ciwmb.ca.gov/Profiles/Juris/JurProfile2.asp?RG=U&JURID=274&JUR=Los+Angeles%2DUnincorporated>. 2008.

¹⁹ California Integrated Waste Management Board, <http://www.ciwmb.ca.gov/lgttools/mars/drmcmmain.asp?ju=274&VW=In>. 2008.

²⁰ Ibid.

2.1.7 Local Solid Waste Collection

Commercial and industrial trash collection in unincorporated Los Angeles County, including the Marina del Rey, area is handled by private haulers. Once collected, the waste may be taken to any landfill willing to accept it. Currently, between 120 and 150 haulers are permitted by the County of Los Angeles Department of Health Services to collect residential, commercial, and industrial waste in unincorporated Los Angeles County.²¹

²¹ Terry Ross, Los Angeles County Department of Public Works, personal communication with Lee Jaffe, February 19, 2008.

3.0 IMPACT OF EXCESS CUT MATERIAL ON LOCAL LANDFILLS

The court found that the final EIR did not discuss the secondary effect of the additional hauling on traffic in the area of the site, on air quality in the area of the site, or upon the amount of solid waste that will be produced by the demolition and construction on the site and which will have to be hauled from the project site to a solid waste disposal site and deposited therein.

The direct effect of solid waste that will be produced by demolition and grading on the site which will have to be hauled from the project site to a solid waste disposal site and deposited therein is discussed below.

3.1 EFFECTS OF DEMOLITION AND GRADING HAULING ON THE SOLID WASTE ENVIRONMENT

Demolition and grading of The Shores project is expected to commence and be completed in 2009. Project operation is expected in 2012. As proposed, and as stated in Section 3.0 of the draft EIR, dated November 2005 (in **Appendix C**), the project would require removal of the existing structures (assumed to occur in 2009), and surface parking facilities located at the project site. Demolition of existing uses would generate approximately 88,000 cubic yards of solid waste (page 5.7-15 of the draft EIR, The Shores project, dated November 2005, in **Appendix C**). Construction is expected to be completed in approximately 25 months. During this time, approximately 4,576 cubic yards of construction debris would be generated that would be collected by local haulers and transported to local landfills (see page 5.7-15 of the draft EIR, dated November 2005, in **Appendix C**). Project construction is expected to occur in 2009, 2010, and 2011.

Mitigation measure 5.4-3 as defined in the draft EIR (see page 5.4-29 of the draft EIR, dated November 2005, in **Appendix C**) indicates that the applicant/developer shall comply with South Coast Air Quality Management District Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). This mitigation measure ensures that prior to commencement of demolition and in conformance with existing state law, appropriate testing for asbestos containing materials within the existing structures shall be completed. Abatement of identified materials will occur prior to building removal. Building materials containing asbestos, if any, would be handled, transported to the Kettleman facility in Kings County (i.e., the nearest approved hazardous waste disposal location).

Other waste materials generated during demolition and construction are expected to be typical construction debris, including concrete, stucco, asphalt, rocks, building materials, wood, paper, glass,

plastic, metals, cardboard, other inert wastes (i.e., wastes that are not likely to produce leachates of environmental concern), and green wastes.

On January 4, 2005, Los Angeles County adopted an amendment to Title 20, Utilities, of the Los Angeles County Code, to add Chapter 20.87, Construction and Demolition Debris Recycling, to provide for the recycling and reuse of construction and demolition debris in the unincorporated areas of the County of Los Angeles. The Project would comply with this amendment. The Project developer is required to prepare a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. Reports would be submitted to the Los Angeles County Environmental Programs Division for review and approval.

To comply with County code requirements for construction debris recycling, waste generated during demolition and construction, demolition debris will be trucked from the site to one of several locations. It can be assumed that a portion of the trash and wood generated during demolition would be delivered to the Downtown Diversion facility located in Los Angeles, while a portion of the asphalt and stucco would be delivered to the Lovco crushing facility in Wilmington. The Downtown Diversion facility has a 2,000 ton capacity per day²². Other non-hazardous construction debris would be collected by local solid waste disposal companies and disposed of at local landfills. Given the sufficiency of available capacity at the Downtown Diversion facility, the Lovco Crushing facility, and local Class III landfills, the disposal of demolition and construction debris would not result in impacts that are considered significant. No mitigation is proposed or is required.

Significant new information identified by the court that was not identified in the draft EIR focused on the additional 25,940 cubic yards of earth material that would require off-site hauling and disposal. Grading and excavation on the Project site is expected to require approximately 40 working days to complete. Given that earth haulers can carry approximately 20 cubic yards per trip, approximately 1,297 truck trips would be required to haul 25,940 cubic yards of earth material, which is approximately 64 additional truck trips/day, or 128 passenger car equivalent (pce) trips/day based on 16 pce trips/hour averaged over 40 working days in 2009. The project applicant/developer (Levine, 2008, personal communication) indicates that excess cut material is expected to be disposed of at the Puente Hills landfill.

As shown in **Table 2.0-1** of this Additional Environmental Analysis, the Puente Hills landfill has the capacity to accommodate the approximately 25,940 cubic yards (equal to approximately 31,387 tons) of excess earth material that would be delivered by the project in 2009. In 2009, the Puente Hills landfill has a predicted remaining capacity of 14.7 million tons. Although it is anticipated that the soil exported from

²² California Integrated Waste Management Board, <http://www.ciwmb.ca.gov>. 2007.

the Project site would be used as cover material rather than treated as solid waste, if all of the 25,940 cubic yards of soil (31,387 tons) were disposed in the landfill as solid waste, then the impact of disposal of 31,387 tons of earth material would be to use approximately 0.2 percent of the remaining Puente Hills landfill capacity. Therefore, given the significance threshold of “capacity” the impact of the disposal of 25,940 cubic yards or 31,387 tons of excess cut material in 2009 is not considered a significant impact to waste disposal capacity given the sufficiency of available capacity at the Puente Hills Landfill. As a means of confirmation, a letter from the Puente Hills Landfill indicating the landfill will accept clean fill material is included in this Additional Environmental Analysis as **Appendix A**.

As previously discussed in **Section 2.0** of this Additional Environmental Analysis, it is expected that excess earth material disposed of at the Puente Hills landfill would be used for daily over-capping operations as part of the landfill’s beneficial reuse program. Clean dirt is used at the Puente Hills landfill as part of a beneficial reuse program is utilized for daily cover operations and does not count towards daily maximum refuse permitted at the landfill. On average, the beneficial reuse program accepts 800 loads of earth materials per day. Because grading associated with the project would require approximately 32 loaded truck trips per day, impacts relating to the disposal of excess cut material would be less than significant. No mitigation with regard to solid waste impacts is proposed or is required.

Given the questionable timing associated with the project approval and entitlement process, there is a potential that excess earth material would not be disposed of at the Puente Hills landfill until 2010 (versus 2009). Should the excess cut material be disposed of in 2010, **Table 2.0-1** of this Additional Environmental Analysis, indicates the Puente Hills landfill has the capacity to accommodate the approximately 25,940 cubic yards (equal to approximately 31,387 tons) of excess earth material that would be delivered by the project in 2009. In 2010, the Puente Hills landfill has a remaining capacity of 10.6 million tons. The impact of disposal of 31,387 tons of earth material would be to use approximately 0.003 percent of the remaining landfill capacity in 2010. Therefore, given the significance threshold of “capacity” the impact of the disposal of 25,940 cubic yards or 31,387 tons of excess cut material in 2010 versus 2009 is not considered significant given the available capacity at the Puente Hills Landfill.

Conclusion: Based on the fact that the Puente Hills Landfill has the capacity to accept excess cut material generated during grading, the fact that the beneficial reuse program occurring at the Puente Hills Landfill has the capacity to receive the 25,940 cubic yards of earth materials generated by project grading activities, and the fact that clean dirt used as part of the beneficial reuse program is utilized for daily cover operations and does not count towards daily maximum refuse permitted at the landfill; disposal of an additional 25,940 cubic yards of excess cut material at the Puente Hills landfill would not impact this solid waste facility and is not considered significant. No mitigation measures are proposed or are required.

4.0 SECONDARY IMPACTS OF EXCESS EARTH DISPOSAL

The direct effect of the project would be the generation of 25,940 cubic yards of soil export that will require disposal at a solid waste disposal site. This direct impact is discussed in **Section 3.0** of this Additional Environmental Analysis. The secondary environmental effects of soil export on the traffic, air quality and noise environments are evaluated in the following discussion.

4.1 EFFECTS OF DEMOLITION AND GRADING HAULING ON THE TRAFFIC ENVIRONMENT

Supporting data in **Section 4.0** of this Additional Environmental Analysis is largely derived from a traffic report prepared for the Project in February 2005. A complete copy of this traffic report is included in Appendix 5.6 of the draft EIR, dated November 2005 (in **Appendix C**). This report was reviewed and approved by the County of Los Angeles Department of Public Works Traffic and Lighting Division.

Traffic volume count data were obtained from recent traffic counts conducted by Wiltec, Accutek, and The Traffic Solution, all independent traffic data collection companies. San Diego Freeway and Marina Freeway/Expressway count data were obtained from the California Department of Transportation (Caltrans) publication. Where necessary, counts were supplemented by traffic data collected by the Los Angeles County Department of Public Works (LACDPW) or the Los Angeles City Department of Transportation (LADOT). Other data pertaining to intersection geometrics, parking restrictions and signal operations were obtained through recent field surveys of the project study area. Detailed traffic analyses for the project were performed at 18 intersections.

Critical Movement Analysis values and the corresponding Level of Service (LOS) for existing (2005) traffic conditions for the AM and PM peak-hour conditions were calculated for 18 studied intersections **Table 4.0-1, Critical Movement Analysis (2005) Summary**. The values in **Table 4.0-1** show that most intersections in the project study area are operating at acceptable levels of service (LOS D or better). However, several key locations, particularly the intersection of Lincoln Boulevard and Washington Boulevard and at the intersection of Lincoln Boulevard and Mindanao Way, exhibit conditions that are at or near capacity, creating several “bottlenecks” to smooth traffic flow along this important transportation corridor.

Table 4.0-1
Critical Movement Analysis (2005) Summary

No.	Intersection	AM Peak Hour		PM Peak Hour	
		CMA	LOS	CMA	LOS
1.	Via Marina/Tahiti Way	0.256	A	0.172	A
2.	Via Marina/Marquesas Way	0.247	A	0.173	A
3.	Via Marina/Panay Way	0.378	A	0.245	A
4.	Admiralty Way/Via Marina	0.544	A	0.715	C
5.	Washington Blvd./Ocean Ave./Via Marina	0.604	A	0.727	C
6.	Admiralty Way/Palawan Way	0.463	A	0.605	B
7.	Washington Blvd./Palawan Way	0.657	B	0.615	B
8.	Lincoln Blvd./Washington Blvd.	1.044	F	1.011	F
9.	Lincoln Blvd./Marina Expressway (SR 90)	0.788	C	0.821	D
10.	Lincoln Blvd./Bali Way	0.471	A	0.625	B
11.	Lincoln Blvd./Mindanao Way	0.899	D	0.923	E
12.	Lincoln Blvd./Fiji Way	0.579	A	0.720	C
13.	Admiralty Way/Bali Way	0.405	A	0.531	A
14.	Admiralty Way/Mindanao Way	0.599	A	0.693	B
15.	Admiralty Way/Fiji Way	0.250	A	0.371	A
16.	Marina Expressway (SR 90) WB/Mindanao Way	0.438	A	0.601	B
17.	Marina Expressway (SR 90) EB/Mindanao Way	0.734	C	0.854	D
18.	Washington Blvd./Dell Ave./Via Dolce	0.391	A	0.368	A

Hauling of the additional 25,940 cubic yards of excess cut earth material would require approximately 64 truck trips/day, or 128 passenger car equivalent (pce) trips/day based on 16 pce trips/hour averaged over 40 working days in 2009. The haul route analyzed follows a route from Via Marina north to Washington Boulevard, Washington Boulevard east to Lincoln Boulevard, Lincoln Boulevard south to State Route 90, and local freeways east and south to the Puente Hills Landfill, a total round trip of approximately 66 miles has been assumed (Mapquest, 2008).

Given the proposed haul route, the following studied intersections would be affected: (1) Via Marina/Marquesas Way (studied intersection number 2), (2) Via Marina/Washington Boulevard (studied intersection number 5), (3) Washington Boulevard/Lincoln Boulevard (studied intersection number 8), and (4) Lincoln Boulevard/Marina Expressway (studied intersection number 9). Of these four intersections, the Washington Boulevard/Lincoln Boulevard intersection operates at an unacceptable intersection LOS during the am and pm peak hours. Other study intersections along the proposed haul route currently and in the future operate within a range that is considered acceptable by the County and

City of Los Angeles. It is assumed that the 64 additional truck trips (32 trips in each direction) would occur evenly throughout an eight hour working day.

The impacts of the additional haul truck trips (64 truck trips/day, or 128 pce trips/day averaging 16 pce trips/hour) would not be expected to change the LOS at any of the haul route study intersections; the additional trips would produce a worst case increase in the CMA calculations at any of the affected intersections of approximately 0.013, *without accounting for removal of the existing site trips*. An examination of the existing CMA/LOS values in the traffic study for the affected intersections indicates that such a change in CMA values for the haul route intersections would not result in any changes to the LOS for those locations. Again, however, it should be noted that the removal of the existing site-related trips would more than offset the haul truck traffic additions, and no significant impacts would occur. As such, no mitigation measures are warranted. However, the County of Los Angeles Department of Public Works recommends that truck hauling operations be limited to off-peak hours using the designated haul routes. Further, at the project site, flagmen should be employed to allow for the safe access of trucks onto the haul route. Limiting truck hauling trips to off-peak hours and the use of flagmen have been added as project mitigation measures that are not required but would improved traffic flow at and near the project site.

Given the questionable timing associated with the project approval and entitlement process, there is a potential that excess earth material would not be disposed of at the Puente Hills landfill until 2010 (versus 2009). Should the excess cut material be disposed of in 2010, the additional 64 daily trucks trips would affect local roadways in 2010 versus 2009. The traffic report prepared for the draft EIR that was reviewed and approved by the Los Angeles County Department of Public Works indicates traffic volumes along the proposed haul route would increase by approximately 0.6 percent. As such, additional truck trips would not significantly alter LOS calculations defined on page 5.6-25 of the draft EIR, dated November 2005 (in **Appendix C**).

4.2 EFFECTS OF DEMOLITION AND GRADING HAULING ON THE AIR QUALITY ENVIRONMENT

Development of The Shores project would require removal of existing uses, site excavation, grading, and construction of the proposed project. Air quality impacts during the construction period were assessed in Section 5.4 of the draft EIR, dated November 2005 (in **Appendix C**), for the proposed project, but considered the fact that on-site grading would be balanced. Page 2.0-11 of the final EIR (in **Appendix C**), dated December 2006, disclosed that an excess 25,940 cubic yards of excavated soil would be generated and that this excess cut material would require hauling from the project site to a disposal site. For the purposes of this Additional Environmental Analysis it is assumed that Puente Hills landfill would serve

as the defined disposal location. While demolition and construction emissions were addressed in the draft EIR, hauling of this soil to an off-site disposal site was not evaluated in the draft or final EIR.

Table 4.0-2, Estimated Unmitigated Construction Emissions, was derived from Table 5.4-8 of the draft EIR, dated November 2005 (in **Appendix C**), and identifies the daily emissions associated with the demolition, grading and excavation associated with the overall construction of the proposed project. Emission estimates in the draft EIR were made using the URBEMIS2002 land use and air emissions estimation program. Based on the results of this analysis, short-term significant and unavoidable construction air quality impacts were identified in the draft EIR. Maximum daily emissions associated with construction of volatile organic compound (VOC) and oxides of nitrogen (NO_x) exceeded the South Coast Air Quality Management District (SCAQMD) significance thresholds.

Table 4.0-2
Estimated Unmitigated Construction Emissions

Construction Source	Emissions in Pounds per Day				
	CO	VOC	NO _x	SO _x	PM ₁₀
Grading/Excavation Emissions – 2006	82.96	10.34	70.52	0.00	23.04
Maximum Construction Emissions	214.93	537.76	203.12	0.52	23.09
SCAQMD Thresholds	550	75	100	150	150
Exceeds Thresholds?	NO	YES	YES	NO	NO

Source: Impact Sciences, Inc. Grading/Excavation Emissions calculations were provided in Appendix 5.4 of the draft EIR.

CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = particulate matter less than 10 microns in diameter.

As proposed, additional excavated soil would require hauling from the project site (25,940 cubic yards) to the Puente Hills landfill. Emissions during the grading and excavation phase were re-estimated using the latest version of the URBEMIS program, which is URBEMIS2007, version 9.2.4. The same assumptions as those in the draft EIR with respect to construction time periods (except to assume a 2009 project startup instead of 2006), daily grading acreage, equipment, and dust suppression were assumed for the new emission estimates, as follows:

- Grading period: July 1, 2009 to November 30, 2009 (5 months)
- Grading equipment: three graders, one rubber-tired dozer, one rubber-tired loader
- Maximum daily acreage disturbed: 2 acres
- Dust suppression: Disturbed surfaces watered three times daily

The only revision was the addition of an excavator during the excavation period and haul trucks to remove the excavated soil from the site. The following expectations informed the analysis made for the excavation activity:

- Excavation period: September 1, 2009 to October 26, 2009 (40 work days)
- Soil excavated: 25,940 cubic yards
- Haul truck capacity: 20 cubic yards
- Round trip distance: 66 miles from the project site to Puente Hills landfill
- Dust suppression: Disturbed surfaces watered three times daily

The resultant emissions for the grading/excavation period are shown in **Table 4.0-3, Estimated Unmitigated Excavation/Grading Emissions (Revised)**. As shown in **Table 4.0-3**, the maximum emissions associated with grading/excavation would be higher than those previously estimated for VOC, NO_x, and sulfur oxides (SO_x) primarily due to the emissions from the haul trucks. However, the daily emissions associated with grading/excavation for carbon monoxide (CO) and particulate matter less than 10 microns in diameter (PM₁₀) would be reduced. As defined in the draft EIR, dated November 2005 (in **Appendix C**), total construction emissions would exceed defined SCAQMD thresholds for VOC and NO_x. As a note, reductions in the emissions of some pollutants are illustrated in **Table 4.0-3** despite the additional emissions associated with the haul trucks. This difference reflects changes between the URBEMIS2002 and URBEMIS2007. Specifically, the emission rates and default operating hours for some construction equipment are lower based on improved modeling of off-road equipment emissions and better information about construction practices, respectively.

Table 4.0-3
Estimated Unmitigated Excavation/Grading Emissions (Revised)

Construction Source	Emissions in Pounds per Day				
	CO	VOC	NO _x	SO _x	PM ₁₀
Grading/Excavation	53.24	10.92	114.72	0.09	21.27
Maximum Construction Emissions in Any Year	214.93	537.76	203.12	0.52	23.09
Exceed Defined Threshold	NO	YES	YES	NO	NO
Exceeds Previous Estimated Construction Emissions?	NO	YES	YES	YES	NO

Source: Impact Sciences, Inc. Grading/excavation emissions calculations are provided in Appendix 5.4 of the draft EIR (in **Appendix C**).

This analysis indicates that the increased number of truck trips required to haul the 25,940 cubic yards of excavated soil to the Puente Hills landfill would increase emissions associated VOC, NO_x, and SO_x but would not increase them substantially or alter conclusions defined in the draft EIR, dated November 2005 (in **Appendix C**). That document concluded that maximum daily emissions associated with construction of VOCs and NO_x exceeded the SCAQMD significance thresholds.

If the commencement of demolition, grading, and excavation were delayed until 2010, it may be possible that the construction equipment and the fleet of haul trucks would be newer than that which was assumed by URBEMIS2007 for a 2009 commencement year. Newer equipment would generate less emissions per unit, as would the haul trucks. It should be noted that heavy-duty on-road trucks with model years of 2007 and later must meet substantially more stringent NO_x and particulate matter emission standards than in previous years. Accordingly, if the construction were delayed, the construction emissions may be slightly less than that shown in **Table 4.0-3**.

Pages 5.4-27 through 5.4-29 of the draft EIR, dated November 2005 (in **Appendix C**) included mitigation measures that would reduce emissions associated with demolition, grading and construction and would apply as appropriate to the grading and hauling of the excess 25,940 cubic yards of excess earth material to the Puente Hills landfill. Specific mitigation measures are defined below.

Mitigation for Demolition, Excavation/Grading and Construction Impacts: The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x and VOC emissions and to mitigate the ambient air impacts for PM₁₀ are as follows:

- 5.4-1:** Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
- a. Configure construction parking to minimize traffic interference.
 - b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
 - c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
 - d. Re-route construction trucks away from congested streets.
 - e. Consolidate truck deliveries when possible.

- f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
- g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
- h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
- i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
- j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

5.4-2: Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:

- a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
- b. Replace ground cover in disturbed areas as quickly as possible.
- c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
- d. Water active grading sites at least twice daily (SCAQMD Rule 403).
- e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).
- f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
- g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

- i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- k. Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.

5.4-3: In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

Construction mitigation measures recommended in the SCAQMD's *CEQA Air Quality Handbook* that were rejected for The Shores project are listed below along with a discussion of why each measure was rejected.

- Prohibit truck idling in excess of 2 minutes: The nature of diesel engines does not lend them to constant turning on and off during construction activities. Premature wear and increased air emissions are common results.
- Develop a trip reduction plan to achieve a 1.5 average vehicle ridership (AVR) for construction employees: SCAQMD Rule 2202 applies to all employers who meet certain criteria for implementing trip reduction measures. The requirement to achieve a specific AVR has been ruled unlawful by the federal government and is no longer recommended.
- Implement a shuttle service to and from retail services and food establishments during lunch hours: Construction workers typically take a half-hour lunch at various times of the day and eat on-site food that was either brought by the workers (brown bag) or purchased from mobile caterers who travel to the site.

4.3 EFFECTS OF DEMOLITION AND GRADING HAULING ON THE NOISE ENVIRONMENT

Pages 5.2-20 through 5.2-22 of the draft EIR, dated November 2005 (in **Appendix C**), identified noise impacts along the proposed haul route. Specific information included in the draft EIR, dated November 2005(in **Appendix C**), is provided below.

Haul Route Noise Impacts: Project construction will require the use of heavy trucks to haul equipment and materials to the site, as well as transport debris and earth excavated during demolition of existing

structures and grading of the site. To limit noise impacts associated with construction traffic on nearby land uses, as a project design feature, truck haul routes have been established which utilize major thoroughfares typically used by commercial traffic in order that truck trips be routed away from sensitive uses that are located on neighborhood, i.e., primarily residential streets. As depicted in Figure 5.2-5 and page 5.2-20, of the draft EIR, dated November 2005 (in **Appendix C**), the proposed haul route will be as follows: “Project trucks will exit the project site northerly onto Via Marina and will make a right turn onto Washington Boulevard (heading easterly); trucks will take Washington Boulevard easterly and make a right turn onto Lincoln Boulevard (heading southerly); trucks will transition off of Lincoln Boulevard onto the 90 “Marina” Freeway (heading easterly); trucks will transition from the 90 Freeway onto the 405 Freeway (heading northerly); project trucks will transition from the 405 Freeway (I-405) onto Interstate 10 (I-10) eastbound; trucks will transition from I-10 eastbound onto the 60 Freeway eastbound; trucks will transition from the 60 Freeway onto Crossroads Parkway (heading northerly) and will enter the Puente Hills Landfill (construction debris receptor location) at 13130 Crossroads Parkway, City of Industry, California 91746.”

Page 5.2-20 and page 5.2-22 of the draft EIR, dated November 2005(in **Appendix C**), state “To minimize potential neighborhood disruption and conflicts between construction activity and through-traffic, a construction traffic control plan will be developed for use during construction. All vehicles will be staged either within the property lines or at designated areas as established by a County-approved haul route plan.” To ensure compliance, mitigation measure 5.2-9 has been added to the draft EIR that states “To minimize noise impacts on nearby residents, prior to grading, a traffic control plan shall be reviewed and approved by the Los Angeles County Department of Public Works for use during construction that limits the staging of vehicle to within the property lines and controls construction traffic at and near the project site.”

Page 5.2-22 of the draft EIR, dated November 2005(in **Appendix C**), states; noise impacts from construction traffic would be greatest during the demolition phase of project development, when trucks are expected to make up to 100 (round-) trips on average per working day²³ to haul debris from the site. Over the two years of project construction, approximately five construction vehicles per week would enter and leave the site.²⁴ This construction traffic would only be traveling to and from the site during working hours. The Los Angeles County Department of Public Works (LACDPW), Construction Division, limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits

²³ Based on 20-cubic-yard haul trucks removing 88,000 cubic yards of debris over 44 working days over two months.

²⁴ Exclusive of transportation for construction workers. Information provided by Tim Connelly of American Constructors, Inc., in a phone conversation with Impact Sciences, Inc., on June 6, 2005.

work on Sundays and legal holidays. This reduces the impact on local residents by restricting most construction-based noise generation to hours when most residents are at work and not generally home. The number of truck trips traveling along the designated haul route will vary daily, depending on the nature of the construction activity. Employment of standard noise attenuation practices would be implemented as required by the LACDPW. As previously discussed, noise-sensitive land uses located along the haul route are primarily residential in nature. Based on the information contained in **Table 5.2-6**, uses within 50 feet of the haul route could experience temporary noise events ranging from 83 to 88 A-weighted decibels (dB(A)), which exceeds County standards outlined above. Therefore, a temporary significant impact would result from trucks traveling to and from the project site along the haul route during the projected buildout of the project.

The court acknowledged that the final EIR (page 2.0-22 of the final EIR, dated December 2006, in **Appendix C**) identified noise impacts associated with the hauling of the additional 25,940 cubic yards of excess earth material along the proposed haul route. Specific information included in the final EIR is provided below.

Page 2.0-21 of the final EIR, dated December 2006 (in **Appendix C**), states that based on the information provided above, changes to the project description indicate that the project would export approximately 25,940 cubic yards of material from the project site. Given the assumption that earth haulers can carry approximately 20 cubic yards per truck load, approximately 1,297 total truck trips would be required, or approximately 64 truck trips/day, or 128 pce trips/day based on 16 pce trips/hour for approximately 40 working days. This increase in truck haul traffic would not result in significant noise effects not previously considered, or a substantial increase in the severity of a previously identified impact and would not substantively alter data, mitigation measures or conclusions defined in Section 5.2 (Noise) of the draft EIR, dated November 2005 (in **Appendix C**).

To support text incorporated in the draft and final EIRs, calculations prepared for the final EIR (page 2.0-21 of the final EIR, dated December 2006, in **Appendix C**) provides data supporting the determination that an additional 64 truck trips/day, or 128 pce trips/day based on 16 pce trips/hour necessary for the export of an additional 25,940 cubic yards of earth material would not exceed 83 to 88 dB(A), as defined in the draft EIR. It should be noted that the draft and final EIR's concluded that (land) uses within 50 feet of the haul route could experience temporary noise events ranging from 83 to 88 dB(A), which exceeds County standards outlined above. Therefore, consistent with conclusions defined in the draft EIR, dated November 2005 (in **Appendix C**), a temporary significant impact would result from trucks traveling to and from the project site along the haul route during the projected buildout of the project.

Mitigation measures were identified on pages 5.2-23 and 5.2-24 of the draft EIR, dated November 2005 (in **Appendix C**), to reduce impacts associated with noise during construction. These measures are listed below.

5.2.5.2 *Mitigation Measures Recommended by the EIR*

- 5.2-1:** All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state and local standards, the applicant shall maintain an equipment log. The log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. The log shall be submitted to the LACDPW for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses that preclude all sight-lines from the equipment to the residential land use(s). As the project is constructed, the use of building structures as noise barriers would be sufficient. The County Building Official or a designee should spot check to ensure compliance.
- 5.2-2:** Construction activities shall be restricted to between the hours of 8:00 AM and 5:00 PM in order to minimize construction and haul route activities that would create noise disturbance on surrounding residential and commercial real property line.
- 5.2-3:** Occupants/tenants of the surrounding sensitive land uses shall be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register complaints or questions regarding project activities.
- 5.2-4:** The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain contact information, the type of project, anticipated duration of construction activity and a hotline phone number to register complaints.
- 5.2-5:** Grading work shall be kept between the hours of 8:00 AM and 5:00 PM Monday through Friday. Noise generated by the project shall attempt to remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440.

However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB(A) (L25) during any hour that construction activities are in operation. This standard shall apply for any period of time during construction that compliance is technically and economically feasible.

- 5.2-6:** All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant in conjunction with the County of Los Angeles Sheriff's Department to monitor mobile sources as necessary, contingent upon the Sheriff's Department acceptance of a monitoring agreement.
- 5.2-7:** Vibration associated with the operation of any device capable of exceeding the vibration perception threshold (motion velocity) of 0.01 in/sec over the range of 1 to 100 hertz) at or beyond the property boundary on private property, or at 150 feet from the source if on a public space or public right of way is prohibited.
- 5.2-8:** The project applicant shall consult with an engineer regarding available technology for the noise attenuation of the Pile Driver equipment. Past operation of this device has resulted in levels above 105 dB(A) 75 feet away from the equipment. Reports shall be provided to the County of Los Angeles Department of Health Services, Public Health Division, prior to grading.

5.0 REFERENCES

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California Public Resources Code, Sec. 40180.

California Public Resources Code, Sec. 40116.

California Public Resources Code, Sec. 40201

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Sanitation Districts of Los Angeles County, Fiscal Year 2003–2004 in Review.

Sanitation Districts of Los Angeles County, Mesquite Regional Landfill Project Fact Sheet, December 22, 2006.

6.0 ORGANIZATIONS AND PERSONS CONSULTED

ORGANIZATIONS

County Sanitation Districts of Los Angeles County

Puente Hills Landfill

Los Angeles County Department of Public Works

Downtown Diversion

American Constructors, Inc.

PERSONS

Larry Myers, Puente Hills Landfill, Supervising Engineering Technician II, personal communication with Lee Jaffe, June 25, 2008.

Terry Ross, Los Angeles County Department of Public Works, personal communication with Lee Jaffe, February 19, 2008.

Tim Connelly, American Constructors, Inc., personal communication with Impact Sciences, Inc., June 6, 2005.

Tom McCurry, LEED AP, Downtown Diversion, Construction, and Solid Waste Specialist, personal communication with Lee Jaffe, July 3, 2008.

7.0 PREPARERS

Impact Sciences, Inc., has prepared this additional analysis. Persons directly involved in the review and preparation of this analysis include the following:

Impact Sciences, Inc.

Eric Sakowicz, Principal

Lee Jaffe, Staff Planner

Ian Hillway, Publications Manager

APPENDIX A

Letter from the Puente Hills Landfill



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

August 12, 2008

To Whom It May Concern:

Acceptance of Clean Dirt at the Puente Hills Landfill

The Sanitation Districts currently accept clean dirt, free of charge at the Puente Hills Landfill. Clean dirt acceptance hours are from 7:30 a.m. until 5:00 p.m., but are subject to early closures due to permit limitations on daily tonnages at the site. Clean dirt is beneficially reused on-site for maintenance/construction activities and daily cover operations, and does not contribute to daily refuse tonnage limits. Based on operational and site priorities, the Sanitation Districts reserve the right to suspend or otherwise modify the clean dirt acceptance program at the landfill.

Very truly yours,

Stephen R. Maguin

Ziad El Jack
Senior Engineer
Planning Section

ZE:ddg

APPENDIX B

Notice of Preparation, Comment Letters, and Responses



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



DATE: July 10, 2008

Bruce W. McClendon FAICP
Director of Planning

TO: All Interested County Departments, Responsible Agencies and Interested Parties

FROM: Michael Tripp
DEPARTMENT OF REGIONAL PLANNING
Special Projects Section

SUBJECT: **NOTICE OF PREPARATION**
The Shores Project
County Project No. R2005-00234
State Clearinghouse No. 2005071080

The attached Notice of Preparation (NOP) is being redistributed for the above-mentioned project located within the developed Marina del Rey small craft harbor, west of Lincoln Boulevard and east of the Pacific Ocean.

The proposed project is an application for a Coastal Development Permit to authorize demolition of the existing 202-unit one- and two-bedroom apartment complex and subsequent construction of a 544-unit apartment complex in twelve 75-foot high buildings (five stories of apartments over two levels of parking) with architectural features extending approximately 25 feet above the roofline). Parking will occur in garages built beneath five levels of apartments. The proposed project will provide a total of 1,114 parking spaces on site. County of Los Angeles Zoning Code requires 1,088 parking spaces (952 for residents of the project and 136 spaces for their guests). The Project would require the export of 25,940 cubic yards of excess cut material to the Puente Hills Landfill. The project also includes a Parking Permit request to authorize the use of residential compact parking spaces and a Variance to authorize modification of signage standards to allow more signage than permitted by the Zoning Code.

This NOP is being sent to you to determine what, if any, technical information should be included in the environmental document. The public review period for the Notice of Preparation will be from July 11 to August 11, 2008. Due to the time limits mandated by State law, your response must be received by our office at the earliest date possible, but no later than August 14, 2008. If you have any questions, please contact Michael Tripp at (213) 974-4813 Monday through Thursday between 7:30 a.m. and 6:00 p.m. Our offices are closed on Fridays.

SD:MRT:mrt

Enclosure

NOTICE OF PREPARATION

To: State Clearinghouse
1400 Tenth Street, Room 212
Sacramento, California 95814
Attention: Ms. Shiela Brown

Subject: **Notice of Preparation of a Draft Environmental Impact Report**
SCH No. 2005071080

Lead Agency:

Consulting Firm (if applicable):

Agency Name: County of Los Angeles
Department of Regional Planning

Firm Name: Impact Sciences, Inc.

Street Address: 320 West Temple Street, Room 1362

Street Address: 803 Camarillo Springs Road

City/State/Zip: Los Angeles, California 90012

City/State/Zip: Camarillo, California 93012

Contact: Mr. Michael Tripp

Contact: Mr. Eric Sakowicz

The County of Los Angeles will be the Lead Agency and will prepare and re-circulate additional analysis related to Environmental Impact Report (EIR) SCH No. 2005071080 for the project identified below. Please provide information as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is/is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but ***not later than 30 days*** after receipt of this notice.

Please send your response to Mr. Michael Tripp at the address shown above. We will need the name for a contact person in your **agency**.

Project Title: The Shores

Project Location: Los Angeles County; Marina del Rey area; Intersection of Via Marina and Marquesas Way
City (nearest) County

Project Description (brief):

On April 28, 2008, the Los Angeles Superior Court ruled that the Del Rey Shores Project Environmental Impact Report (EIR) did not comply with the California Environmental Quality Act with regard to environmental analysis associated with exporting approximately 25,940 cubic yards of soil from the site in preparation for construction of the Project. The Court upheld all other analyses in the EIR.

The proposed The Shores project consists of (1) the demolition and removal of all existing site

improvements which include 202 apartment dwelling units in 34 two-story structures, related surface parking and landscaping and hardscape facilities and (2) the construction of 544 apartment units in a series of 12 five-story structures. Each building would consist of a five-story concrete structure over two levels of subterranean and above-grade parking. The proposed project also includes substantial landscaping and hardscape facilities such as sidewalks, paved paths and outdoor recreational amenities for the residents of the apartments.

Parking would occur in garages built beneath five levels of apartments. The proposed project will provide a total of 1,114 parking spaces on site. This number exceeds code parking requirements. County of Los Angeles Zoning Code requires 1,088 parking spaces (952 for residents of the project and 136 spaces for their guests).

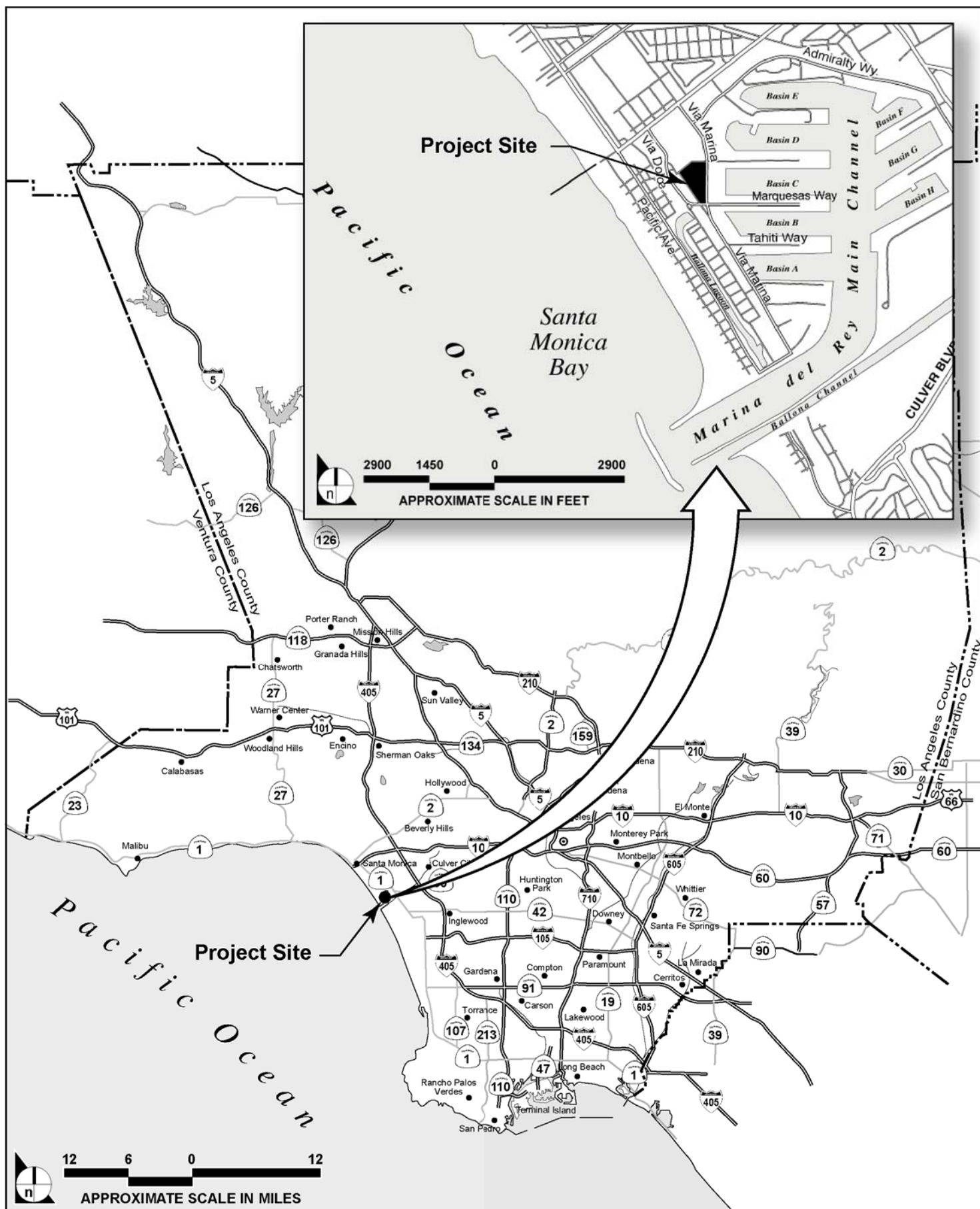
In association with the development of this project and in accordance with the court order referenced above, an additional analysis will be prepared to evaluate the potential environmental impacts associated with exporting approximately 25,950 cubic yards of earth material from the project site to the Puente Hills Landfill. This NOP is being distributed to determine what, if any, technical information should be included in the subject additional analysis.

Date: 7/9/08

Signature: 

Title: Supervising Regional Planner

Telephone: (213) 974-4808

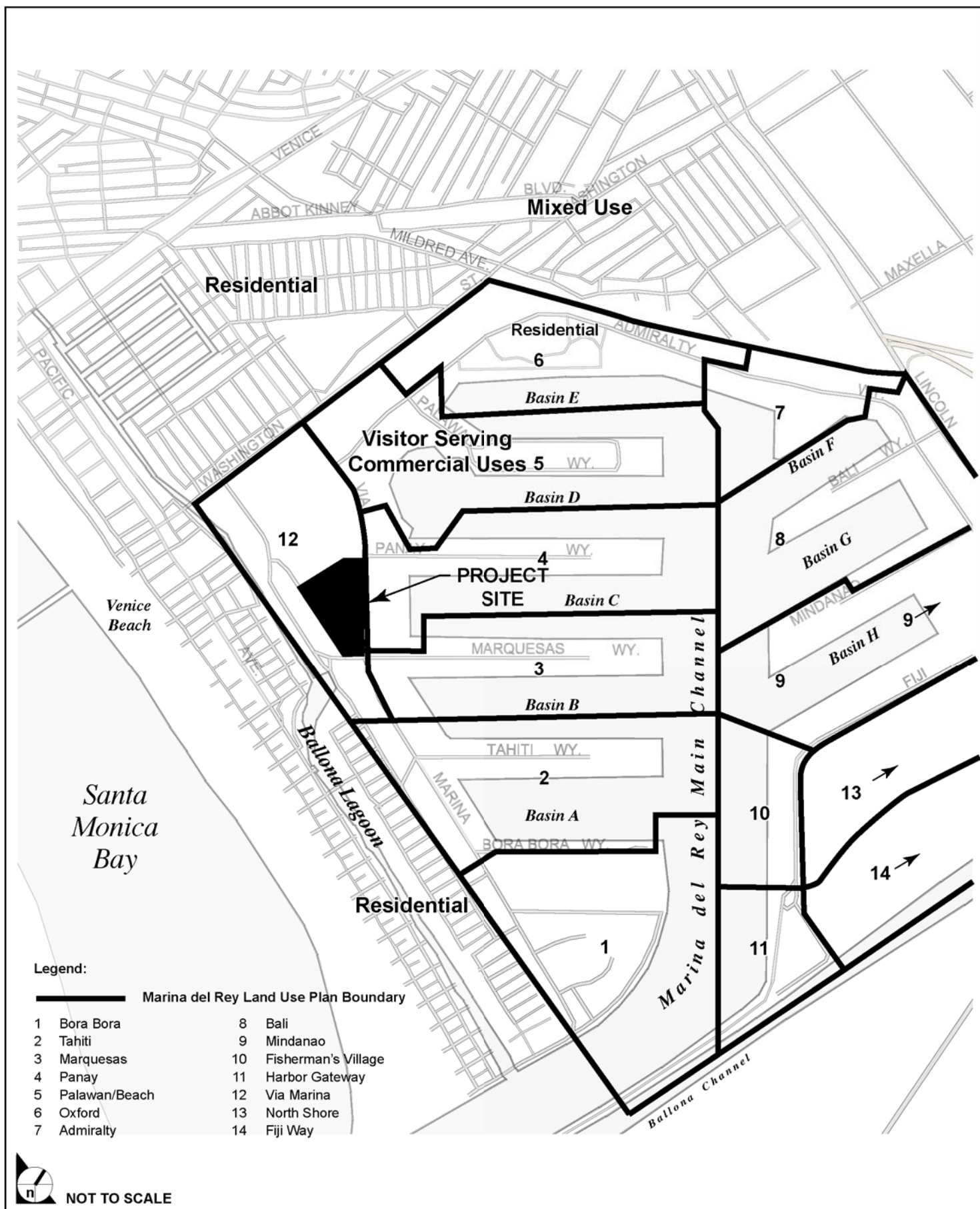


SOURCE: Impact Sciences, Inc. – June 2005

FIGURE

1

Regional and Local Site Location



SOURCE: Impact Sciences, Inc. – November 2005

FIGURE

2

Relationships of Project Parcels to the Marina del Rey Land Use Plan

The Shores Apartment Project (779.002)
Additional Environmental Analysis
Distribution List – All Documents to include CD-ROM of DEIR & FEIR
Notice of Availability to Accompany All Documents

October 2008

County of Los Angeles
Department of Regional Planning
Impact Analysis Section
320 West Temple Street
Los Angeles, CA 90012
Attn: Michael Tripp

20 HARD COPIES
1 HC DRAFT, APPEN, FINAL

Los Angeles County Clerk
12400 Imperial Highway
Norwalk, CA 90650

VIA COURIER
\$50 CHECK
2 COPIES OF NOTICE

County of Los Angeles
Department of Public Works
Land Development Division
900 South Fremont Avenue
Alhambra, CA 91803
Attn: Toan Duong

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DPW MEMO

County of Los Angeles
Department of Health Services
Environmental Hygiene Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423

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COUNTY MEMO

County of Los Angeles Fire Department
Forestry Division, Prevention Bureau
5823 Rickenbacker Road, Room 123
Commerce, CA 90040
Attn: Lily Cusick

3 HARD COPIES
FIRE MEMO

County of Los Angeles
Department of Parks and Recreation
Planning Division
510 South Vermont Avenue, 2nd Floor
Los Angeles, CA 90020-1975
Attention: Joan Rupert

1 HARD COPY
COUNTY MEMO

County of Los Angeles Sanitation Districts
1955 Workman Mill Road
Whittier, CA 90607-4998
Attn: Environmental Review

2 HARD COPIES
COUNTY MEMO

County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292

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COUNTY MEMO

County of Los Angeles Sheriff Department
Mr. Gary T.K. Tse
Director of Facilities Planning
1000 S. Fremont Avenue
Building A9-East/5th Floor North
Alhambra, CA 91803
Attn: Tom Bellizia

1 HARD COPY
COUNTY MEMO

Marina Del Rey Sheriff Station
13851 Fiji Way
Marina del Rey, CA 90292
Attention: Captain Oceal Victory

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COUNTY MEMO

Los Angeles County Public Library
7400 E. Imperial Highway
Downey, CA 90242
Attn: Environmental Review

1 HARD COPY
COUNTY MEMO

County/City Libraries

County of Los Angeles
Llyod Taber-Marina del Rey Library
4533 Admiralty Way
Marina del Rey, CA 90292

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MEMO
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City of Culver City
Culver City Julian Dixon Library
4975 Overland Avenue
Culver City, CA 90230

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MEMO
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City of Los Angeles
Loyola Village Library
7114 W. Manchester Avenue
Westchester, CA 90045

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City of Los Angeles
Venice-Abbot Kinney Memorial Library
501 S. Venice Boulevard
Venice, CA 90291

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MEMO
1 HC DRAFT, APPEN, FINAL

Other Local Agencies/Parties

Audubon Society
Los Angeles Chapter
7377 Santa Monica Blvd.
W. Hollywood, CA 90046
Attn: Fred Heath, President

1 HARD COPY

Audubon Society
P.O. Box 2504
Van Nuys, CA 91404
Attn: Ms. Muriel Kotin, President

VIA CERTIFIED MAIL
1 HARD COPY

Sierra Club
3435 Wilshire Blvd., Suite 320
Los Angeles, CA 90010

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Save Open Space
c/o Rosemary Woodlock
21015 Mulholland Drive
Woodland Hills, CA 91361

1 HARD COPY

Los Angeles Unified School District
1330 West Pico Blvd.
Los Angeles, CA 90015

1 HARD COPY

City of Los Angeles
Bureau of Sanitation
Department of Public Works
650 S. Spring Street
Los Angeles, CA 90014

1 HARD COPY

City of Los Angeles
Planning Department
200 North Spring Street, Room 525
Los Angeles, CA 90012

1 HARD COPY

City of Los Angeles
Transportation Department
100 S. Main Street, 10th Floor
Los Angeles, CA 90012

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Metropolitan Water District
700 N. Alameda Street
Los Angeles, CA 90012

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City of Santa Monica
Planning Department
1685 Main Street
Santa Monica, CA 90401
1 HARD COPY

City of Culver City
Planning Department
9770 Culver Blvd.
Culver City, CA 90232
1 HARD COPY

City of Culver City
Transportation Department
4343 Duquesne Avenue
Culver City, CA 90232
1 HARD COPY

Metropolitan Transit Authority
One Gateway Plaza
MS 99-23-2
Los Angeles, CA 90012
Attn: Mr. Keith Killough
1 HARD COPY

State Agencies

California Highway Patrol
411 N. Central
Glendale, CA 91203
1 HARD COPY

California Highway Patrol
6300 Bristol Parkway
Culver City, CA 91203
Attention: Captain Gingras
1 HARD COPY

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Attn: Environmental Review
1 HARD COPY

California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123
1 HARD COPY

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4325
1 HARD COPY

SCAQMD
21865 East Copley Drive
Diamond Bar, CA 91765-4182

1 HARD COPY

Department of Toxic Substances Control
1449 West Temple Street, Room 101
Los Angeles, CA 90026-5698

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Division of Oil, Gas and Geothermal Resources
801 K Street, MS20-20
Sacramento, CA 95814-3530

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California State Lands Commission
200 Oceangate, Suite 900
Long Beach, CA 90802

1 HARD COPY

State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202
Attn: Environmental Review

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State Clearinghouse
1400 Tenth Street, Room 212
Sacramento, CA 95814

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15 CDS

Caltrans – District 7
IGR/CEQA Coordinator
Transportation Planning & Analysis
100 S. Main Street
Los Angeles, CA 90012
Attn: Elmer Alvarez

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Federal Agencies

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003

1 HARD COPY

U.S. Fish & Wildlife Service
Southern California Field Station
2730 Loker Avenue West
Carlsbad, CA 92008
Attention: Environmental Review

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U.S. Army Corps of Engineers
Los Angeles District
911 Wilshire Boulevard, Floor 11
Los Angeles, CA 90017
1 HARD COPY

Federal Aviation Administration
5885 W. Imperial Highway
Los Angeles, CA 90045
Attn: Environmental Review
1 HARD COPY

Associations and Private Organizations

Marina Strand Colony II Homeowners Association
c/o Ms. Rose Zoia, Esq.
50 Old Courthouse Square, Suite 401
Santa Rosa, CA 95404
1 HARD COPY

Legal Aid Foundation of Los Angeles
Administrative Office
1102 Crenshaw Blvd.
Los Angeles, CA 90019
1 HARD COPY

Susanne Browne (Representing POWER)
Legal Aid Foundation of Los Angeles
110 Pine Avenue, Suite 420
Long Beach, CA 90802-4421
1 HARD COPY

People Organized for Westside Renewal (POWER)
Main Office
235 Hill Street
Santa Monica, CA 90405
1 HARD COPY

Western Center on Law and Poverty
Los Angeles Headquarters
3701 Wilshire Boulevard, Suite 208
Los Angeles, CA 90010-2809
1 HARD COPY

California Water Impact Network
808 Romero Canyon Road
Santa Barbara, CA 93108
Attention: Carolee Krieger, President
1 HARD COPY

Courtesy Recipients

Carla Andrus
14025 Panay Way, HM 9
Marina del Rey, CA 90292

1 HARD COPY

Nancy Marino
13700 Tahiti Way #249
Marina del Rey, CA 90292

1 HARD COPY

Steve Freedman
732 Howard Street
Marina del Rey, CA 90292

1 HARD COPY

Dan Gottlieb
3516 Via Dolce
Marina del Rey, CA 90292

1 HARD COPY

Jon Nahhas
PO Box 11131
Marina del Rey, CA 90295

VIA CERTIFIED MAIL
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David De Lange
PO Box 9291
Marina del Rey, CA 90295

VIA CERTIFIED MAIL
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Sierra Club
PO Box 5332
Playa del Rey, CA 90296

VIA CERTIFIED MAIL
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Ballona Institute
322 Culver Blvd #317
Playa del Rey, CA 90296

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Gloria Davis
4201 Via Marina #149
Marina del Rey, CA 90292

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Bill Przylucki
235 Hill Street
Santa Monica, CA 90405

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Mary Ann Weaver
PO Box 9785
Marina del Rey, CA 90295

VIA CERTIFIED MAIL
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De De Audet
PO Box 11387
Marina del Rey, CA 90295

VIA CERTIFIED MAIL
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Challis Macpherson
738 Howard Street
Venice, CA 90292

1 HARD COPY

David Barish
4422 Via Marina, Apt 7-711
Marina del Rey, CA 90292

1 HARD COPY

Ted Olsen
Vice President
Dana Point Boaters Association
PO Box 461
Dana Point, CA 92629-0461

VIA CERTIFIED MAIL
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Lynne Shapiro
5100 Via Dolce #312
Marina del Rey CA 90292

1 HARD COPY

Hans Etter
2554 N. Lincoln Blvd. #166
Venice Ca ,90291

1 HARD COPY

J. Carlos Carreon
Beachkeeper Program Coordinator
Santa Monica Baykeeper
P.O. Box 10096
Marina del Rey, CA 90295

VIA CERTIFIED MAIL
1 HARD COPY

Dorothy Franklin
PO Box 11562
Marina del Rey, Ca. 90295-7562

VIA CERTIFIED MAIL
1 HARD COPY

Roslyn E. Walker
13600 Marina Pointe Drive #1406
Marina del Rey, California 90292

1 HARD COPY

FantaSea Yachts & Yacht Club
Attention: Daniel Ginzburg
4215 Admiralty Way
Marina del Rey, CA 90292

1 HARD COPY



Metro

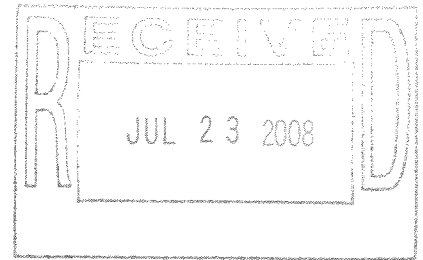
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

July 21, 2008

Mr. Michael Tripp
County of Los Angeles Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012



Dear Mr. Tripp:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Shores project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

A Traffic Impact Analysis (TIA), with highway, freeway, and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2004 Congestion Management Program for Los Angeles County", Appendix D. The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed project will add 50 or more trips during either the a.m. or p.m. weekday peak hour (of adjacent street traffic); and
2. Mainline freeway-monitoring locations where the project will add 150 or more trips, in either direction, during either the a.m. or p.m. weekday peak hour.

Among the required steps for the analysis of development-related impacts to transit are:

3. Evidence that in addition to Metro, all affected Municipal transit operators received the NOP for the Draft EIR;
4. A summary of the existing transit services in the area;
5. Estimated project trip generation and mode assignment for both morning and evening peak periods;
6. Documentation on the assumptions/analyses used to determine the number and percentage of trips assigned to transit;
7. Information on facilities and/or programs that will be incorporated into the development plan that will encourage public transit usage and transportation demand management (TDM) policies and programs; and
8. An analysis of the expected project impacts on current and future transit services along with proposed project mitigation.

Metro looks forward to reviewing the Draft EIR. If you have any questions regarding this response, please call me at 213-922-6908 or by email at chapmans@metro.net. Please send the Draft EIR to the following address:

Metro CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Susan Chapman

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Chapman", with a long horizontal flourish extending to the right.

Susan Chapman
Program Manager, Long Range Planning

Metropolitan Transportation Authority

As defined in the Notice of Preparation, the Additional Environmental Analysis would focus on the disposal of approximately 25,940 cubic yards of earth material. Comments received from the Metropolitan Transportation Authority (MTA) were discussed, reviewed, and approved in the draft EIR dated November 2005. Specific issues raised by the MTA are responded to below.

1. Impacts on CMP arterial monitoring intersections are addressed and were found to be adequate by the County of Los Angeles and the Superior Court of California in **Section 5.6.5.3.4 of the draft EIR dated November 2005.**
2. Impacts on State Route (SR)-90 (i.e., the Marina Freeway) are addressed and was found to be adequate by the County of Los Angeles and the Superior Court of California in **Section 5.6.5.3.4 of the draft EIR dated November 2005.**
3. All noticing (i.e., for the NOP, Environmental Impact Report and other California Environmental Quality Act [CEQA] mandated notices) was completed consistent with lead agency requirements as defined by the County of Las Angeles Department of Regional Planning.
4. A summary of existing transit services in the project area are addressed and was found to be adequate by the County of Los Angeles and the Superior Court of California in **Section 5.6.3.3 of the draft EIR dated November 2005.**
5. A summary of project trip distribution in the project area was addressed and was found to be adequate by the County of Los Angeles and the Superior Court of California in **Section 5.6.4.2 of the draft EIR dated November 2005.**
6. Impacts on the local public transportation system are addressed and were found to be adequate by the County of Los Angeles and the Superior Court of California in **Section 5.6.5.3.4 of the draft EIR dated November 2005.**
7. Impacts on the local public transportation system are addressed and were found to be adequate by the County of Los Angeles and the Superior Court of California in **Section 5.6.5.3.4 of the draft EIR dated November 2005.**
8. Impacts on the local public transportation system are addressed and were found to be adequate by the County of Los Angeles and the Superior Court of California in **Section 5.6.5.3.4 of the draft EIR dated November 2005.**

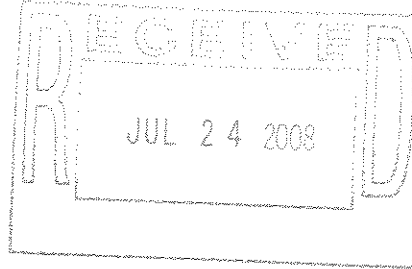


South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

July 21, 2008

Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012



Dear Mr. Tripp:

Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the Shores Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft environmental impact report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files. Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, the lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2007 Model. This model is available on the SCAQMD Website at: www.urbemis.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM_{2.5} emissions from construction and operational activities and processes. In connection with developing PM_{2.5} calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM_{2.5} emissions and compare the results to the recommended PM_{2.5} significance thresholds. Guidance for calculating PM_{2.5} emissions and PM_{2.5} significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

It is recommended that lead agencies for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles, perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Gordon Mize, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3302 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

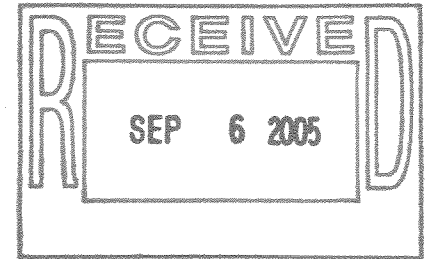
SS:GM:AK
LAC080715-01AK
Control Number

South Coast Air Quality Management District

As defined in the Notice of Preparation the Additional Environmental Analysis would focus on the disposal of approximately 25,940 cubic yards of earth material. Comments received from the South Coast Air Quality Management District (SCAQMD) were discussed, reviewed by the County of Los Angeles, the SCAQMD, and approved in the draft EIR dated November 2005.


The secondary impacts of the truck trips required to haul the 25,940 cubic yards of excess earth material from the project site to the Puente Hills Landfill are discussed in **Section 4.2 of this Additional Environmental Analysis**.

MARGARET DONNELLAN TODD
COUNTY LIBRARIAN



August 29, 2005

TO: Rick Kuo
Los Angeles County Department of Regional Planning

FROM: David Flint 
Assistant Director, Finance and Planning

SUBJECT: **NOTICE OF PREPARATION
THE SHORES APARTMENT PROJECT
R2005-00234**

This is in response to your invitation to submit comments on the Notice of Preparation for the Shores Apartment Project.

The demand for library services is typically determined based on the size of the resident population. Increase in population results in the need for additional facility space, library materials and services. The cumulative effect of new housing and infill development, such as the Shores Apartment Project, will have significant impact on the ability of the Public Library to serve existing and future population in the service area. Payment of the County Library's developer fee would reduce the impact of this project to a less than significant level.

This project is located in the County Library's Developer Fee Planning Area 6. The current County Library Developer Fee for Planning Area 6 is \$710 per dwelling unit. This would result in a total fee obligation of \$386,240 (544 x \$710) at the current rate. The County Library Developer Fee is subject to an annual CPI adjustment, and the actual amount of the fee will be that in effect at the time the building permits for the project are issued. Therefore, the total fee obligation for this project may be higher.

If you have any questions regarding this matter, please contact Malaisha Hughes of my staff at (562) 940-8455.

DF:mh

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c: Robert Seal, Assistant, Public Library
Malaisha Hughes, Public Library

County of Los Angeles Public Library

As defined in the Notice of Preparation the Additional Environmental Analysis would focus on the disposal of approximately 25,940 cubic yards of earth material. In response to comments received from the County of Los Angeles Public Library, the applicant shall pay all library fees as directed by the County of Los Angeles Board of Supervisors and consistent with the existing Los Angeles County Zoning Code.



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DEAN D. EFSTATHIOU, Acting Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **LD-1**

August 12, 2008

TO: Sam Dae
Special Projects Section
Department of Regional Planning

Attention Michael Tripp

FROM: Steve Burger
Department of Public Works
Land Development Division

**NOTICE OF PREPARATION
OF RECIRCULATED ADDITIONAL ANALYSIS FOR SOILS EXPORT
THE SHORES APARTMENT PROJECT
MARINA DEL REY**

As requested, we reviewed the Notice of Preparation of Recirculated Additional Analysis for Soils Export for the proposed project at 4201 Via Marina. The project site is generally located west of Via Marina between Panay Way and Marquesas Way in the unincorporated area of Marina del Rey.

The project consists of the demolition and removal of 202 apartment dwelling units and the construction of 544 apartment dwelling units. The project would also provide a subterranean parking structure containing 1,114 parking spaces for residents and guests. The additional analysis is limited to the exporting of approximately 25,940 cubic yards of soil from the site in preparation for construction of the project.

The following comments are for your consideration and relate to the environmental document only:

Traffic/Access

We recommend the truck hauling operations be limited to off-peak hours using designated truck routes. The Cities of Los Angeles, Industry, and Caltrans should be contacted for their comments.

If you have any questions regarding the review of the document, please contact Isaac Wong of Public Works' Traffic and Lighting Division, Traffic Studies Section, at (626) 300-4709.

Environmental Safety

1. Solid Waste

- Solid waste generated in Los Angeles County currently exceeds the available permitted daily landfill capacity. The proposed project will increase the generation of solid waste and negatively impact the Solid Waste Management infrastructure. Therefore, the proposed environmental document should identify what measures will be implemented to mitigate the impact. Mitigation measures may include waste reduction and recycling programs development of infrastructure in the project to facilitate recycling.

2. Hazardous Waste

- If any excavated soil is contaminated, or classified as hazardous waste by an appropriate agency, the soil must be managed and disposed in accordance with applicable Federal, State, and local laws and regulations.

3. Construction and Demolition Recycling Comment

- Construction projects with a total value of over \$100,000 and demolition and grading projects in the County's unincorporated areas are required to recycle or reuse 50 percent of the construction and demolition debris generated per the County's Construction and Demolition Debris Recycling and Reuse Ordinance. A Recycling and Reuse Plan must be submitted to and approved by Public Works' Environmental Programs Division before a construction, demolition, or grading permit may be issued.

4. Underground Storage Tanks/Industrial Waste/Stormwater Comments

- Should any operation within the subject project include the construction, installation, modification, or removal of underground storage tanks, industrial waste treatment or disposal facilities, and/or storm water treatment facilities, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.

If you have any questions regarding environmental comments above, please contact Benjamin Cortez at (626) 458-2536.

Sam Dae
August 12, 2008
Page 3

If you have any questions or require additional information, please contact Toan Duong at (626) 458-4945.

TD:ca
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County of Los Angeles Department of Public Works

As defined in the Notice of Preparation the Additional Environmental Analysis would focus on the disposal of approximately 25,940 cubic yards of earth material. Specific issues raised by the County of Los Angeles Department of Public Works in their letter dated August 12, 2008 are responded to below.

1. **Traffic and Access.** As recommended by the Department of Public Works **Section 4.1 of the Additional Environmental Analysis** recommends that truck hauling be conducted during off-peak hours. Review of the draft and final EIR's and this Additional Environmental Analysis were conducted at the direction of the County of Los Angeles Department of Regional Planning.
2. **Solid Waste.** Consistent with state law AB939 and Public Resources Code 41703 requiring a minimum of fifteen years of sufficient permitted landfill capacity, the 2006 Annual Report of the Countywide Integrated Waste Management Plan of June 2008 (part of the Countywide Summary Plan and Countywide Siting Element) states that "The Disposal Capacity Need Analysis in Appendix E-2 (page 47) demonstrates that the County would be able to provide for the disposal capacity needs of its residents/businesses... during the 15-year planning period through a combination of in-County disposal and utilization of out-of-County landfill capacity." Impacts on the existing and future solid waste environment are discussed in **Section 3.0 of this Additional Environmental Analysis.**
3. **Hazardous Waste.** Impacts associated with potential hazardous waste generation are discussed in **Section 2.1.4 of this Additional Environmental Analysis.**
4. **Construction and Demolition Recycling.** Impacts associated with construction and demolition recycling the existing and future solid waste environment are discussed in **Sections 2.1.1.4 and Section 3.1 of this Additional Environmental Analysis.**
5. **Underground Tanks.** No underground tanks are known to exist on the project parcels and none are proposed as part of this project.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



July 16, 2008

Michael Tripp
Los Angeles County Department of Regional Planning
320 W. Temple Street, Room 1348
Los Angeles, CA 90012

RE: SCH#2005071080 The Shores; Los Angeles County

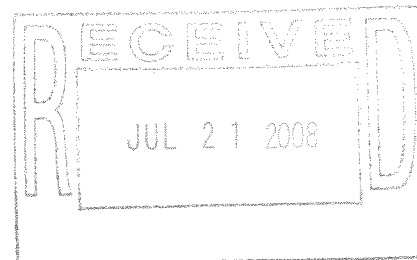
Dear Mr. Tripp:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst



CC: State Clearinghouse

Native American Contacts
Los Angeles County
July 16, 2008

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Gabrielino

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.

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Gabrielino Tongva

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Gabrielino Tongva

Gabrielino/Tongva Council / Gabrielino Tongva Nation
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Gabrielino Tongva

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2005071080 The Shores; Los Angeles County.

Native American Heritage Commission

As defined in the Notice of Preparation, the Additional Environmental Analysis would focus on the disposal of approximately 25,940 cubic yards of earth material. Comments received from the Native American Heritage Commission (NAHC) were not part of the draft EIR dated November 2005, as the County of Los Angeles had determined in the Initial Study (see Appendix 2.0(A) of the draft EIR dated November 2005). Specific issues raised by the NAHC are responded to below.

1. A records search was not deemed necessary by Los Angeles County as much of the Marina is built upon materials deposited during the creation of the small craft harbor. In addition, the project site is currently developed with residential apartments.
2. An archaeological survey was not required by the Lead Agency because the project site is an existing residential apartment covered by impermeable surfaces.
3. The proposed project does not involve a general plan or local coastal plan amendment and there is no change of open space as a result project implementation. Therefore, a listing of Sacred Lands is not required.
4. Although no cultural or archaeological surveys were conducted and the Marina del Rey LCP indicates that it is unlikely that cultural resources may be encountered, the project will comply with cultural and archaeological regulations. Project excavation will stop if a resource is discovered until such time as a qualified archaeologist can evaluate the importance of such discovered resource.